

IN THE MATTER OF
THE APPLICATION OF
BENJAMIN H. BLUM, ET AL.
FOR A SPECIAL HEARING AND
VARIANCE ON PROPERTY
LOCATED ON THE SOUTHEAST
SIDE OF MICHELLE WAY
(3609 Michelle Way)
3RD ELECTION DISTRICT

BEFORE THE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
CASE NO. 89-99-SPHA

OPINION

This case comes before this Board on an appeal from an Order of the Deputy Zoning Commissioner that granted a Petition for Special Hearing and approved Lot No. 11 of the Anton Woods subdivision as being in compliance with the one-acre minimum lot size requirement in the RC 5 zone, as a result of a lot line adjustment, and granted a Petition for Zoning Variance to permit a building setback of 22 feet, in lieu of the required 50 feet. The case was heard on December 28, 1988.

Robert A. Hoffman, Esquire, appeared as counsel for the Petitioner. He explained that Anton Woods was a residential subdivision in Pikesville, Maryland.

Petitioner's first witness was Steven M. Blum, President of Westwood Homes, Inc., contract purchaser of Lot No. 11 in the Anton Woods subdivision. Mr. Blum testified that the subject property, known as 3609 Michelle Way, was zoned RC 5 and, at the time he contracted to buy it, was an unimproved lot thought to contain 1.19 acres and to have the boundaries shown on the Final Development Plan for Anton Woods, which was submitted as Petitioner's Exhibit No. 1. At the time Steven Blum submitted an application for a building permit, there was no indication that

the cemetery easement area, known as the "Croxall Family Cemetery" located in the northern portion of what was shown as Lot No. 11 might not actually be part of that lot. Following construction of a house, but before the ultimate sale of the house and lot together, questions arose as to whether the Petitioner had legal title to the cemetery, and, if not, whether Petitioner's lot met the minimum one-acre requirement of the RC 5 zone. If the cemetery is excluded from Lot No. 11, that lot contains only .9851 acres. Further, if the cemetery is not a part of Lot No. 11, the existing dwelling does not meet the minimum 50-foot setback requirement in the RC 5 zone.

After these issues were brought to the attention of Baltimore County, use and occupancy permits were withheld pending a determination that the subject property complied with all applicable zoning regulations.

In this case, we need not make a finding on ownership of the cemetery area. Petitioner presented as Petitioner's Exhibit No. 3 a deed, dated September 16, 1988, from Sewell J. Sugar and his wife to Westwood Homes, Inc. and Benjamin H. Blum. That deed added .0191 acres to Lot No. 11. We find that this new area, when combined with the .985 acres unquestionably contained in Lot No. 11, is sufficient to meet the minimum lot area requirements in the RC 5 zone. We find that the addition of the new area to Lot No. 11 is a nonmaterial refinement of the final development plan for Anton Woods and not an amendment under Section

1801.3.A.6.c. of the Baltimore County Zoning Regulations ("B.C.Z.R.").

The Petitioner also presented the testimony of Mr. William F. Kirwin, who was accepted by the Board as an expert in the fields of landscape architecture and land planning. Mr. Kirwin indicated that, at the time of the hearing, the dwelling on Lot No. 11 was complete and ready for occupancy. He stated that the house is 22 feet from the southern boundary of the cemetery, at its closest point, and that the house cannot be moved to satisfy the minimum 50-foot setback requirement.

The testimony indicated, and we find, that even if the home could be moved physically, the location of the well and septic fields would restrict movement of the building and create a practical difficulty or undue hardship. There was no testimony to indicate that the builder of the home, Westwood Homes, Inc., or its agent, Steven Blum, was aware at the time of construction that it was building in violation of any setback requirement.

A Protestant in this case, Ms. Nancy Whitelock, was represented at the hearing by J. Carroll Holzer, Esquire. Ms. Whitelock testified that she was an heir of the Croxall Family and that she was greatly concerned over the state of the cemetery. She expressed a strong desire that the cemetery grave stones and grave sites be restored.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Solay, 270 Md. 208

(1973). To prove practical difficulty for an area variance, the Petitioner must show:

- 1) whether strict compliance with the requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant of a variance would do substantial injustice to applicant as well as other property owners in the district, or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Board of Appeals, 22 Md. App. 28, 39 (1974).

It is clear from the testimony in this case that, if a variance is not granted, undue hardship or practical difficulty will result. It is further clear that a dwelling house in the location proposed will not be contrary to the spirit and intent of the Baltimore County Zoning Regulations, nor will it result in substantial detriment to the public health, safety or general welfare.

It is, therefore, this 12th day of April, 1989, by the County Board of Appeals of Baltimore County, ORDERED: that Lot No. 11 of the Anton Woods subdivision be approved as in compliance with the Baltimore County Zoning Regulations, as the addition of .0191 acres to Lot No. 11 removes all question as to whether the acreage of the lot conforms to the one-acre requirement set forth in Section 1A04.3.B.1, and that the Petition for Variance be granted to permit a setback of 22 feet, in lieu of the required

50 feet, from the southern boundary of the cemetery easement lot line.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

County Board of Appeals of
Baltimore County

Lawrence E. Schmidt
Lawrence E. Schmidt, Acting Chairman

Harry E. Buchheiser, Jr.
Harry E. Buchheiser, Jr.

Lynn B. Moreland
Lynn B. Moreland

IN RE: PETITIONS FOR SPECIAL HEARING
AND VARIANCE - SE/S Michelle
Way (3609 Michelle Way)
3rd Election District
3rd Councilmanic District

• BEFORE THE
• DEPUTY ZONING COMMISSIONER
• OF BALTIMORE COUNTY
• Case No. 89-99-SPHA

Benjamin H. Blum, et al
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special hearing for a ruling that the Final Development Plan for Anton Woods, as approved January 1985, is correct in including the cemetery easement as part of Lot 11; or as an alternative, to approve the First Amended Final Development Plan dated July 6, 1988 which excludes the cemetery site from Lot 11, to consider the gross area of Lot 11 of 0.9851 acres, exclusive of the cemetery site, as being in compliance with the one-acre lot requirement, and if approved, a variance to permit a setback of 22 feet in lieu of the required 50 feet from the southern boundary of said cemetery, all as more particularly described in Petitioner's Exhibits 1 and 5.

As the hearing proceeded, Petitioners requested a modification of the relief requested in the Petition for Special Hearing to approve Lot 11 of Anton Woods as being in compliance with the one acre minimum lot size requirement for the R.C. 5 zone as a result of the minor lot line adjustment described herein.

The Petitioners, by Benjamin H. Blum, legal owner of the subject property, and Steven M. Blum with Westwood Homes, Inc., Contract Purchaser, appeared and testified. Mr. Steven Blum was represented by Robert A. Hoffman, Esquire. Also appearing and testifying on behalf of the Petition were George H. Pryor, Professional Land Surveyor with Harris, Smariga, and

Matz, Inc., and Dr. Harvey Litofsky, an adjoining property owner. Charles W. Ahalt appeared and testified as a Protestant. Lisa Keir, Executive Director of the Valleys Planning Council, and John W. McGrain with the Baltimore County Office of Planning, appeared and testified as parties in interest. Keith Franz appeared as a party in interest only.

Testimony indicated that the subject property, known as 3609 Michelle Way, or Lot 11 of Anton Woods, is zoned R.C. 5 and was an unimproved lot when presented to various departments of Baltimore County as containing 1.19 acres of land and having the boundaries as depicted in Petitioner's Exhibit 1. Thereafter, building permits were approved for the construction of a dwelling on the subject property. At that time, there was no question or indication that the cemetery, known as the "Croxall Family Cemetery" and shaded in red on Petitioner's Exhibit 3, did or did not belong to Petitioners and/or was or was not to be considered as part of the subject property for the acreage of the lot. Prior to occupancy of the house, question arose as to whether Petitioners' lot consisted of the minimum acreage required if the cemetery property was not included, and whether or not Petitioners had legal title to the cemetery. The exclusion of the cemetery from Lot 11 results in the subject property consisting of only 0.9851 acres.

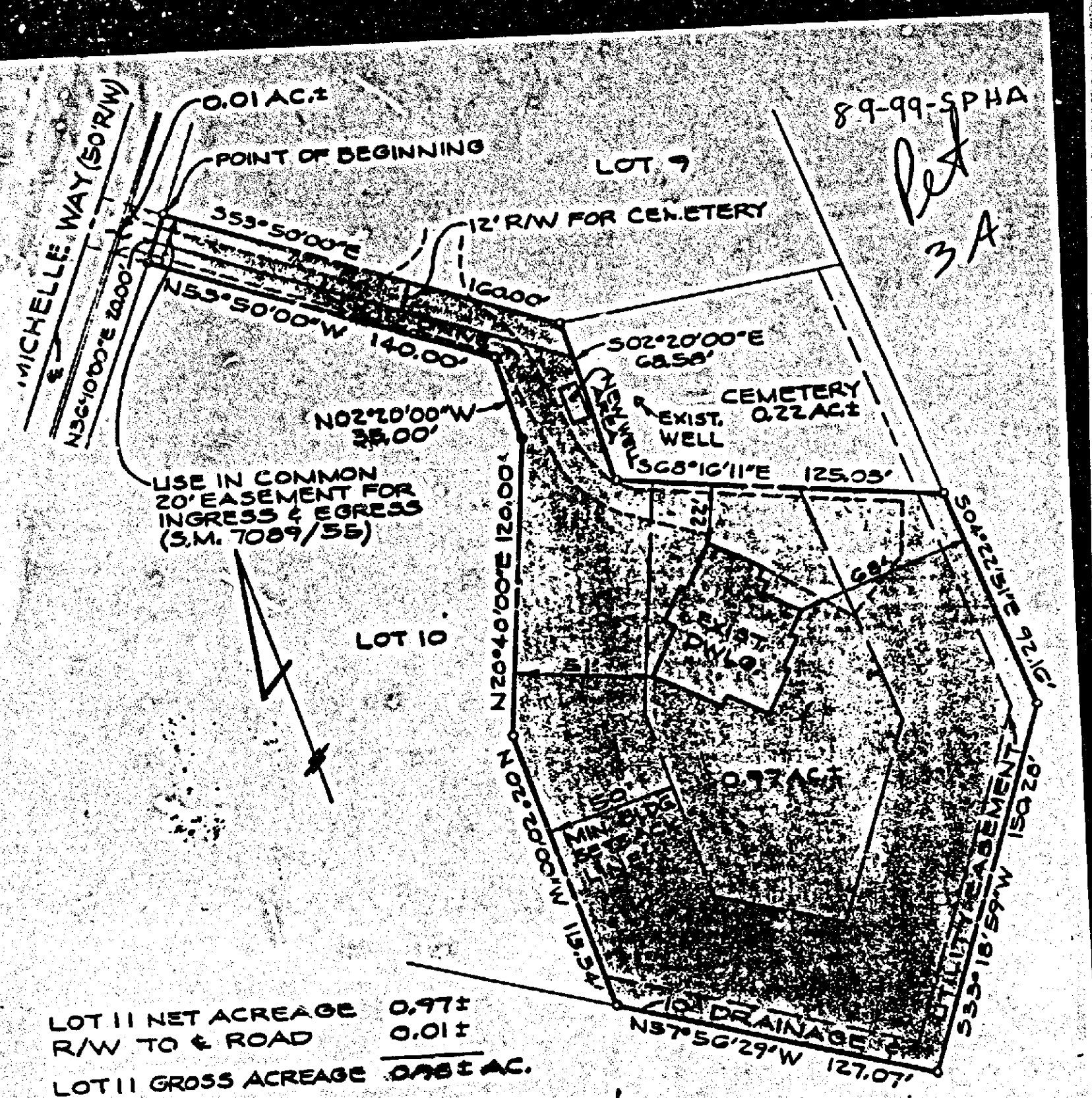
The Baltimore County Zoning Regulations (B.C.Z.R.) require that each lot of record in an R.C. 5 zone be a minimum of one acre in size. Further, if the cemetery was found not to be a part of the subject property, the proposed dwelling would not meet the minimum setback requirement of 50 feet from the property line as it would only be 22 feet from the cemetery property line. When these issues were brought to the attention of Baltimore County, use and occupancy permits were withheld pending a

determination that the subject property complied with zoning regulations and/or variances were granted.

At the onset of the hearing, Petitioners presented a deed dated September 16, 1988 from Sewell J. Sugar to Westwood Homes, Inc. and Benjamin H. Blum, identified herein as Petitioner's Exhibit 3. Testimony indicated that said deed conveyed an additional .0191 acres to the south of and adjoining Lot 11 as shown in Petitioner's Exhibit 2. Petitioners then argued Lot 11 now consists of 1.0050 acres without including the cemetery area and therefore meets the minimum one-acre lot requirement.

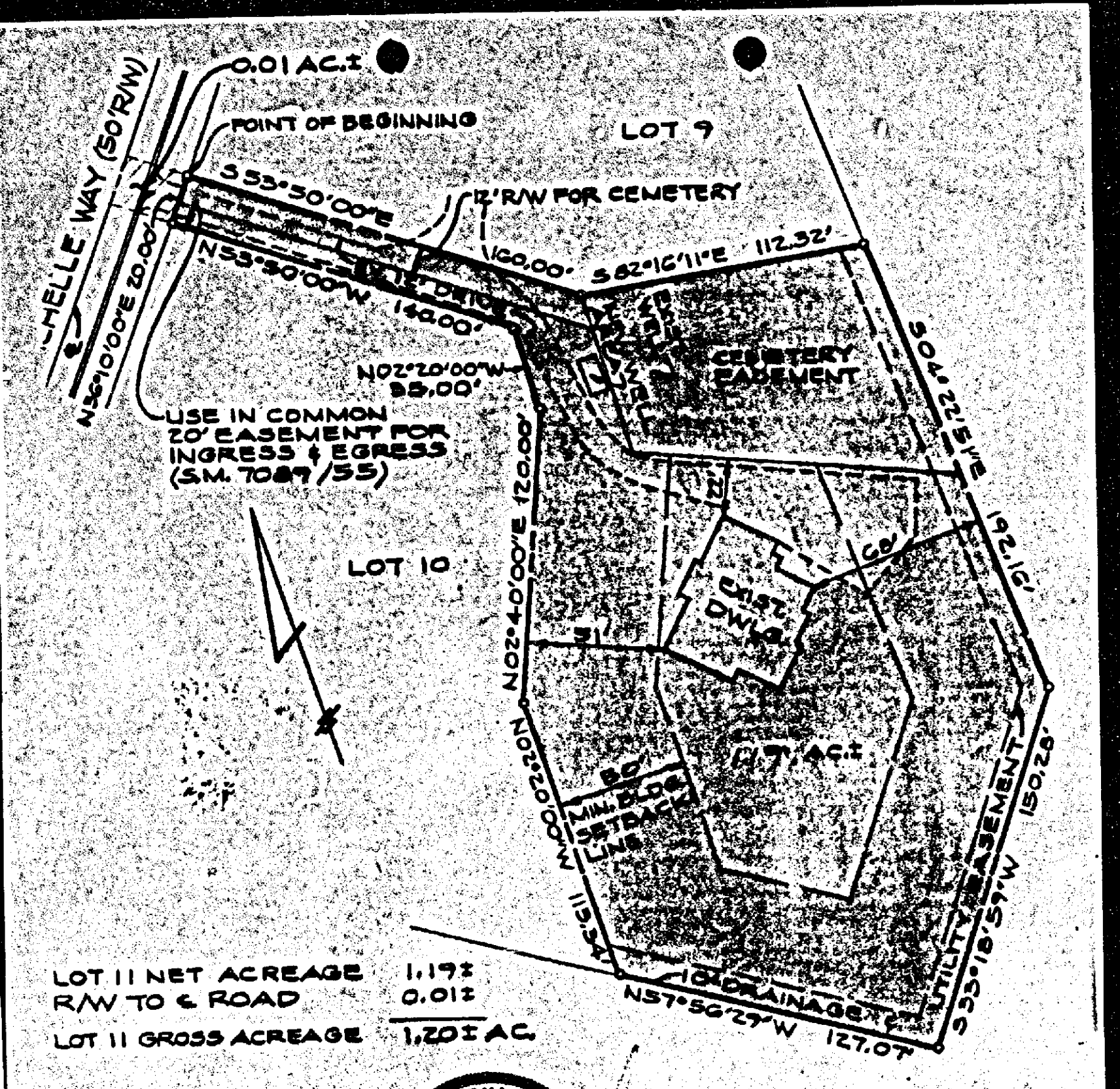
Petitioners then moved to have this new area accepted as part of Lot 11 without the necessity for the Petitioners to follow the procedures for amending final development plans. After due consideration of the issue, the motion was granted on the grounds that the addition of the .0191 acres was a lot line adjustment to the final development plan identified as Petitioner's Exhibit 1. See the Zoning Commissioner's Order In Re: Petition for Variance, Richmond American (995 Corporation), Case No. 88-469-A, which is consistent with this ruling.

Testimony thereafter indicated that the dwelling on Lot 11 has been completed and is ready for occupancy. At the closest point the home is 22 feet from the southern boundary of the cemetery. The home cannot be moved to satisfy the minimum 50-foot setback requirement. According to the testimony, even if the home could be moved physically, the location of the well and septic fields would restrict movement of the building and create a practical difficulty or undue hardship. There was no testimony to indicate that the builder of the home, Westwood Homes, Inc., or its agent, Steven Blum, were aware at the time of construction that they were building in violation of any setback requirement. Dr. Litofsky testified



REPAIRED BY:
W. DUVALL & ASSOC., INC.
530 EAST JOPPA RD.
TOWSON, MARYLAND 21204
(301) 583-9571

ALTERNATIVE NO. 2
FLAT TO ACCOMPANY DESCRIPTION
LOT 11 "SECTION ONE ANTON WOODS"
3609 MICHELLE WAY
3RD ELECTION DISTRICT
BALTIMORE CO., MARYLAND
SCALE: 1"=50'
JULY 22, 1988



REPAIRED BY:
W. DUVALL & ASSOC., INC.
530 EAST JOPPA RD.
TOWSON, MARYLAND 21204
(301) 583-9571

ALTERNATIVE NO. 1
FLAT TO ACCOMPANY DESCRIPTION
LOT 11 "SECTION ONE ANTON WOODS"
3609 MICHELLE WAY
3RD ELECTION DISTRICT
BALTIMORE CO., MARYLAND
SCALE: 1"=50'
JULY 22, 1988

W. DUVALL & ASSOCIATES, INC.

Engineers • Surveyors • Land Planners

JULY 22, 1988
ZONING DESCRIPTION OF #3609 MICHELLE WAY
LOT NO. 11 "SECTION ONE ANTON WOODS" EHKJR 52 FOLIO 133

BEGINNING for the same at a point on the southeasternmost right-of-way line of Michelle Way, 50 feet wide, as shown on a plat entitled "Section One Anton Woods" dated April 4, 1985 as recorded among the Land Records of Baltimore County in Liber EHKJR 52 Folio 133, said point being South 36 degrees 10 minutes 00 seconds West 50.00 feet from coordinate point No. 48; thence leaving said right-of-way South 53 degrees 50 minutes 00 seconds East 160.00 feet; thence running and binding on a cemetery easement, the two following courses and distances as now corrected, viz:

- 1) South 02 degrees 20 minutes 00 seconds East 68.58 feet; and
- 2) South 68 degrees 16 minutes 11 seconds East 125.03 feet; to intersect the outline boundary of said plat; thence binding partly thereon South 04 degrees 22 minutes 51 seconds East 92.16 feet; thence South 33 degrees 18 minutes 59 seconds West 150.28 feet; thence North 57 degrees 56 minutes 29 seconds West 127.07 feet; thence leaving said outline North 02 degrees 20 minutes 00 seconds West 113.34 feet; thence North 20 degrees 40 minutes 00 seconds East 120.00 feet; thence North 02 degrees 20 minutes 00 seconds West 35.00 feet; thence North 53 degrees 50 minutes 00 seconds West 140.00 feet to the southeasternmost side of the aforementioned right-of-way line of Michelle Way; thence binding thereon North 36 degrees 10 minutes 00 seconds East 20.00 feet to the point of beginning.

CONTAINING 0.9736 acres of land, more or less.

SUBJECT to a 20 foot wide easement for the use in common of the above described parcel of land, Lot 9 and Lot 10 as described in a Declaration dated January 20, 1989 as recorded among the Land Records of Baltimore County in Liber S.H. 7089 folio 55.

TOGETHER with, for the purposes of Baltimore County Zoning Regulations, a parcel of land lying northerly from the last line of the above described Lot No. 11 to the centerline of Michelle Way, containing 0.0115 acres of land, more or less. Giving a gross acreage of 0.9851 acres of land, more or less.

530 East Joppa Road / Towson, Maryland 21204 / (301) 583-9571

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
3rd day of August, 1988.

Petitioner: Benjamin H. Blum
Petitioner's Attorney: Steven T. Batoff

Received by: James E. Dyer
Chairman, Zoning Plans Advisory Committee

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Zoning Item # 6, Zoning Advisory Committee Meeting of August 2, 1988
Property Owner: Benjamin H. Blum
Location: Lot #11, Sec. 1, Anton Woods (3609 Michelle Way) District 3
Water Supply: private
Sewage Disposal: private

COMMENTS ARE AS FOLLOWS:

- () Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Bureau of Regional Community Services, for final review and approval.
- () Prior to new installation/s of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 494-3775, to obtain requirements for such installation/s before work begins.
- () A permit to construct from the Bureau of Air Quality Management is required for such items as spray paint processes, underground gasoline storage tanks (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
- () A permit to construct from the Bureau of Air Quality Management is required for any charbroiler operation which has a total cooking surface area of five (5) square feet or more.
- () Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
- () Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, sauna, whirlpool, hot tub, water and sewerage facilities or other amusements pertaining to health and safety, two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Environmental Protection and Resource Management for review and approval. For more complete information, contact the Recreational Hygiene Section, Bureau of Regional Community Services, 494-3811.
- () Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.
- () If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with the State Department of the Environment.
- () Prior to raising of existing structure/s, petitioner must contact the Division of Waste Management at 494-3768, regarding removal and/or disposal of potentially hazardous materials and solid wastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestos, 494-3775.
- () Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and tank removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Waste Management at 494-3768.
- () Soil percolation tests, have been _____, must be _____ conducted.
- () The results are valid until _____.
- () Soil percolation test results have expired. Petitioner should contact the Division of Water and Sewer to determine whether additional tests are required.
- () Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
- () In accordance with Section 13-117 of the Baltimore County Code, the water well yield test () shall be valid until () is not acceptable and must be retested. This must be accomplished prior to conveyance of property and approval of Building Permit Application.
- () Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- () If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted.

Other: Proposals identified as alternative no. 1 and alternative no. 2 as depicted on plots dated July 23, 1988 submitted with the petition for special hearing are acceptable to this department. In any event, new well area as indicated on plots submitted must be verified and approved by Dept. of Water & Sewer prior to drilling of new well. Existing well must be properly abandoned by a licensed well driller and a well abandonment report submitted to this office subsequent to the development of an acceptable water supply at designated alternate location.

Karen M. Murray
BUREAU OF WATER QUALITY AND RESOURCE MANAGEMENT

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

August 31, 1988

Mr. Steven I. Batoff
16 South Calvert Street, Suite 200
Baltimore, Maryland 21202

RE: Item No. 6 Case No. 89-99-SPHA
Petitioner: Benjamin H. Blum
Contract Purchaser: Westwood Homes, Inc.
Petition for Special Hearing

Dear Mr. Batoff:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of your zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,
James E. Dyer
Chairman
Zoning Plans Advisory Committee

JED:dt
Enclosures
cc: W. Duvall & Associates Inc.
530 East Joppa Road
Towson, Maryland 21204

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
494-3554

August 23, 1988

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, MD 21204

Item No. 6 -ZAC- Meeting of August 2, 1988
Property Owner: Benjamin H. Blum
Location: SE/S Michelle Way, approx. 2,050' NE of Park Heights Ave.,
Existing Zoning: SE/S Michelle Way
R.C. - 5

Dear Mr. Haines:
Please see the CRG Comments for this site.

Very truly yours,
Stephen E. Weber, P.E.
Assistant Traffic Engineer

RECEIVED
AUG 29 1988
ZONING OFFICE

Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4500

August 1, 1988

Paul H. Reinecke
Chief
J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

Re: Property Owner: Benjamin H. Blum
Location: SE/S Michelle Way, approx. 2,050' NE of Park Heights Ave.,
Anton Woods, Sect. 1, Lot #11, 3609 Michelle Way
Item No.: 6
Zoning Agenda: Meeting of 8/2/88

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
2. A second means of vehicle access is required for the site.
3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
6. Site plans are approved, as shown.
7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: [Signature] Kelly 7-15-88 Noted and Approved: John F. O'Neill
Planning Group Fire Prevention Bureau
Special Inspection Division
*Panhandle roads shall have a minimum width of 16 feet.

/s/

MONALD L. MAHER
CARROLL HOLZER
CAROLE S. DEMILLO
OF COUNSEL
J. HOWARD HOLZER

LAW OFFICES
HOLZER, MAHER, & DEMILLO
205 W. CHESAPEAKE AVENUE
SUITE 100
TOWSON, MARYLAND 21204
(301) 633-6900

WASHINGTON, D.C. OFFICE
225 SHOREHAM BUILDING
801 15TH STREET, N.W.
WASHINGTON, D.C. 20005
PLEASE REPLY TO:
J. HOWARD HOLZER

January 5, 1989
#6386

Rob Hoffman, Esquire
Cook, Howard, Downes
& Tracy
P.O. Box 5517
Towson, Maryland 21204

RE: Croxall Cemetery

Dear Rob:

I tried to call you this week and was advised you were on vacation until Monday, January 9th. I would like to set up a conference between my client and your client in regard to Mr. Schmidt's suggestion that we endeavor to settle this matter to the benefit of both parties.

It is not necessary to go into the terms of the settlement for purposes of this letter, but I do think it would prove beneficial for us to set up a conference sometime during the week of January 9th with our clients to try to work out an amicable solution.

Please give me a call when you get back in the office.

Very truly yours,

Small
J. Carroll Holzer

JCH:mlg

cc: Lawrence Schmidt, Esquire
Nancy Whitelock

40-111W 6-NV-68
STV3434V JD CIVIL 3 ALINNO
03/15/89

APPEAL

Petition for Special Hearing & Variance
SE/S Michelle Way
(3609 Michelle Way)
3rd Election District - 3rd Councilmanic District
Benjamin H. Blum, et al - Petitioner
Case No. 89-99-SPHA

Petition for Special Hearing & Variance

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel (None submitted)

Zoning Plans Advisory Committee Comments

Director of Planning & Zoning Comments (None submitted)

Petitioner's Exhibits: 1. Copy of Final Development Plan of "Anton Woods"
2. Drawing of "Anton Woods"
3. Copy of Deed and Description
4. Copy of Letter to Lisa Keir from Robert Hoffman
5. Original Final Development Plan of "Anton Woods"

Zoning Commissioner's Order dated October 4, 1988 (Granted w/ Restrictions)

Notice of Appeal received 1.) November 1, 1988 by Stephen C. Winter and M. Kent Krabbe, Attorneys on behalf of Protestants 2.) November 3, 1988 by Robert A. Hoffman, Attorney on behalf of Petitioner.

cc: Stephen C. Winter & M. Kent Krabbe
606 Bosley Avenue, Towson, Md. 21204

*Robert A. Hoffman, Cook Howard, Downes & Tracy
210 Allegheny Avenue, P.O. Box 5517, Towson, Md. 21204

George H. Pryor, Harris, Smariga & Matz, Inc.
115-B Sudbrook Lane, Pikesville, Maryland 21208

Dr. Harvey Litofsky, 3611 Michelle Way, Baltimore, Md. 21208

Ronnie Footlick, 3610 Michelle Way, Baltimore, Md. 21208

Sherry Berlin, 3600 Michelle Way, Baltimore, Md. 21208

Steven M. Blum, Westwood Homes, 17 Warren Road, Suite 2A
Baltimore, Md. 21208

Charles W. Ahalt, 6102 Corington Road, Columbia, Md. 21044

Counsel for Appellants as of 11/22/88:
J. Carroll Holzer, Esquire
HOLZER, MAHER & DEMILLO

MONALD L. MAHER
J. CARROLL HOLZER
CAROLE S. DEMILLO
OF COUNSEL
J. HOWARD HOLZER

LAW OFFICES
HOLZER, MAHER, & DEMILLO
205 W. CHESAPEAKE AVENUE
SUITE 100
TOWSON, MARYLAND 21204
(301) 633-6900

WASHINGTON, D.C. OFFICE
225 SHOREHAM BUILDING
801 15TH STREET, N.W.
WASHINGTON, D.C. 20005
PLEASE REPLY TO:

January 20, 1989
#6386

Lawrence Schmidt, Esquire
Baltimore County
Board of Appeals
Third Floor
County Office Building
Towson, Maryland 21204

RE: Croxall Cemetery

Dear Larry:

It was with regret that Rob Hoffman advised me that you are not going to be in a position to arbitrate this dispute between the parties. I have agreed with Rob to a face-to-face meeting between the two parties on February 1, 1989.

Further, it is my understanding that you have expressed a willingness to withhold the decision of the Board until such time as that meeting or any subsequent meetings prove either fruitful or necessitate the Board's action.

I certainly appreciate your courtesy afforded to date.

Very truly yours,

Small
J. Carroll Holzer

JCH:mlg

cc: Rob Hoffman
Mrs. Nancy Whitelock

RECEIVED
COUNTY BOARD OF APPEALS
JAN 22 1989

Case No. 89-99-SPHA
Appeal
November 15, 1988
Page 2

Lisa Keir, Valleys Planning Council
P.O. Box 5402, Towson, Md. 21204-2085

Steven I. Batoff, 16 S. Calvert Street
Suite 200, Baltimore, Md. 21202

Herbert Whitelock, 10017 Hackberry, Columbia, Md. 21046

Keith Franz, 401 Washington Avenue, Suite 502, Towson, Md. 21204

People's Counsel of Baltimore County
Room 304, County Office Bldg., Towson, Md. 21204

Request Notification: P. David Fields, Director of Planning & Zoning
Patrick Keller, Office of Planning & Zoning
J. Robert Haines, Zoning Commissioner
Ann M. Nastarowicz, Deputy Zoning Commissioner
James E. Dyer, Zoning Supervisor
Docket Clerk

A. Jablon



County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 687-3180

April 12, 1989

Robert A. Hoffman, Esquire
Cook, Howard, Downes & Tracy
210 Allegheny Avenue
P.O. Box 5517
Towson, Maryland 21204

Re: Benjamin H. Blum, et al
Case No. 89-99-SPHA

Dear Mr. Hoffman:

Enclosed please find a copy of the Opinion and Order issued this date by the County Board of Appeals in the subject case.

Sincerely,

LindaLee M. Kusznau
LindaLee M. Kusznau
Legal Secretary

Enclosure

cc: J. Carroll Holzer, Esquire
Stephen C. Winter
M. Kent Krabbe
George H. Pryor
Dr. Harvey Litofsky
Ronnie Footlick
Ms. Sherry Berlin
Mr. Steven M. Blum
Mr. Charles W. Ahalt
Ms. Lisa Keir
Steven I. Batoff
Herbert Whitelock
Keith Franz, Esquire
P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
Docket Clerk
Arnold Jablon, County Attorney



County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 494-3180

November 17, 1988
NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 89-99-SPHA

BENJAMIN H. BLUM, ET AL

SE/S Michelle Way (3609 Michelle Way)

3rd Election District

OCT. 4, 1988 - Z.C.'s Order-Granted w/restrictions

ASSIGNED FOR:

WEDNESDAY, DECEMBER 28, 1988, at 10 a.m.

cc: Stephen C. Winter and M. Kent Krabbe

Counsel for Protestants

Robert A. Hoffman, Esq.

John T. Howard

George H. Pryor

Dr. Harvey Litofsky

Ronnie Footlick

Sherry Berlin

Steven M. Blum

Charles W. Ahalt

Lisa Keir

Steven I. Batoff

Herbert Whitelock

Keith S. Franz

Arnold Jablon

David Fields

Pat Keller

Robert Haines

Ann Nastarowicz

James Dyer

Docket Clerk

11/22/88: Entered appearance as Counsel
for Appellants: Whitelock & Suddith--
J. Carroll Holzer, Esquire

Jure Holmen, Secretary

11/17/88 - Following notified of hearing set for Wed. Dec. 28, 1988, at 10 a.m.:

Stephen C. Winter & Kent Krabbe
Rob Hoffman
Geo. Pryor
Dr. H. Litofsky
Ronnie Footlick
Sherry Berlin
Steven M. Blum
Charles W. Ahalt
Lisa Keir
Steven Batoff
Herbert Whitelock
Keith Franz
A. Jablon
David Fields, Pat Keller
Robt. Haines, A. Nastarowicz, J. Dyer, Doc. Clerk

12/28/88 - HOLD for 30 days pending possible settlement. If no settlement in 30 days, Board will issue Opinion/Order, per LES

1/23/89 - Per letter from J. Carroll Holzer, Esq., parties have agreed to meet on February 1, 1989. Board to withhold decision until such time as that meeting or subsequent meetings occur --either settlement will result or Board will act.

3/10/89 - Per LES: had conversation with R. Hoffman; agreement has been reached between parties; Hoffman to provide draft copy of opinion/order and then same can be issued by Board.

3/31/89 - Prepared letter for LES' signature to R. Hoffman as reminder of promised draft opinion/order (see 3/10/89 note above)

LAW OFFICES
COOK, HOWARD, DOWNES & TRACY
210 ALLEGHENY AVENUE
P.O. BOX 5517
TOWSON, MARYLAND 21204
TOWSON (301) 633-6900
TELEPHONE (301) 633-6900
205 EAST BROADWAY
P.O. BOX B
BEL AIR, MARYLAND 21014
BEL AIR (301) 633-6900
BALTIMORE (301) 678-1831
DIRECT DIAL NUMBER:
(301) 494-9162

April 6, 1989

JAMES H. COOK
JOHN B. HOWARD
DAVID D. DOWNES
DAVID O. C. TRACY, JR.
JOHN H. EME, JR.
JOSEPH C. WICK, JR.
HENRY B. WICK, JR.
HERBERT R. O'CONNOR, III
FRANK F. HARTYCH
MICHAEL E. LEAF
THOMAS L. HUDSON
C. GARY DELEY, JR.
N. KING HILL, II
GEORGE S. REYNOLDS, III
ROBERT A. HOFFMAN
CYNTHIA K. HAHN

JUDITH A. ARNOLD
DEBORAH C. DOPPIN
KATHLEEN GALLOGLY COX
JOHN J. DESNER
J. MICHAEL BRENNAN
H. BARNETT PETERSON, JR.
JOSEPH F. SKEE, JR.
KATHRYN L. WOTE
JAMES M. MARTIN
KEVIN B. FOWLER, III
CHARLES R. WELLINGTON
KEVIN J. HANCOCK
ELIZABETH B. RUBIN
MARK E. SMITH
BRIAN A. BAILEYSON
JAMES D. C. DOWNES
(1908-1979)

Mr. Larry Schmidt
County Board of Appeals
of Baltimore County
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Case No. 89-99-SPHA
Benjamin H. Blum, et al., Petitioners

Dear Mr. Schmidt:

I am pleased to submit the proposed Opinion and Order on behalf of my client, Westwood Homes, Inc., Petitioner and, with the permission of their attorney, J. Carroll Holzer, Esquire, Ms. Nancy Whitelock and Sally Suddith.

On behalf of Carroll and myself please accept our thanks in helping resolve the differences between the parties in this case and we respectfully request that the Board execute this Opinion and Order as soon as possible.

Very truly yours,

Robert A. Hoffman
Robert A. Hoffman

RAH:bw
Enclosures
cc: J. Carroll Holzer, Esquire

RECEIVED
COUNTY BOARD OF APPEALS
APR 22 1989

LAW OFFICES
COOK, HOWARD, DOWNES & TRACY
210 ALLEGHENY AVENUE
P.O. BOX 5517
TOWSON, MARYLAND 21204

JAMES H. COOK
JOHN B. HOWARD
DAVID D. DOWNES
DANIEL O. TRACY, JR.
JOHN H. ZINK, II
JOSEPH C. WICK, JR.
HENRY B. PECK, JR.
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JOHN J. DESSENER
J. MICHAEL BRENNAN
H. BARRY PETERSON, JR.
JOSEPH F. BREE, JR.
KATHRYN L. KOTZ
JAMES R. MACALISTER
JAMES N. MARTIN
REGAN J. R. SMITH
NEWTON B. FOWLER, III
CHARLES R. WELLINGTON
KEVIN J. MANDONEY
ELISABETH S. RUBIN
MARK E. SMITH
JAMES D. C. DOWNES
(1908-1979)

DIRECT DIAL NUMBER:
(301) 494-9162
November 16, 1988

Hand Delivery

William T. Hackett, Chairman
County Board of Appeals of
Baltimore County
3rd Floor, County Office Building
Towson, Maryland 21204

Re: Petition for Special Hearing and Variance
Case No.: 89-99-SPHA
Benjamin H. Blum, et al, Petitioners

Dear Mr. Hackett:

Your office has recently received the file in the referenced
Deputy Zoning Commissioner's case.

The subject property is located in a development known as
Anton Woods off of Park Heights Avenue just north of the
Baltimore Beltway. The lot for which a variance is being sought
is improved by a home and is under contract of sale. Until a
resolution of this case is reached, clear title cannot be given to
the purchasers of the house. Because the property could not
be sold, a law suit was filed by the buyers in the Circuit Court
for Baltimore County.

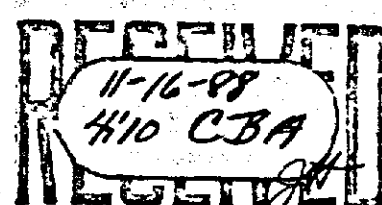
Notwithstanding the pending litigation in the Circuit Court,
the buyers and sellers are still willing to proceed to settlement
and it is imperative that this case be resolved as soon as

William T. Hackett, Chairman
November 16, 1988
Page 2

possible. It is therefore respectfully requested that an
expedited hearing be set in this case.

Yours truly,
Robert A. Hoffman
Robert A. Hoffman

RAH:bw
LETR0056.RAH
cc: Stephen C. Winter, Esquire



Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

November 15, 1988



Dennis F. Rasmussen
County Executive

Baltimore County Board of Appeals
County Office Building, Room 315
Towson, Maryland 21204

RE: Petition for Special Hearing & Variance
SE/S Michelle Way
(3609 Michelle Way)
3rd Election District, 3rd Councilmanic District
Benjamin H. Blum, et al - Petitioners
Case No. 89-99-SPHA

Dear Board:

Please be advised that an appeal of the above-referenced case was
filed in this office on 1.) November 1, 1988 by Stephen C. Winter
and M. Kent Krabbe, Attorneys on behalf of Protestants and 2.)
November 3, 1988 by Robert A. Hoffman, Attorney on behalf of the
Petitioners. All materials relative to the case are being forwarded
herewith.

Please notify all parties to the case of the date and time of the
appeal hearing when it has been scheduled. If you have any questions
concerning this matter, please do not hesitate to contact this office.

Very truly yours,
J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner

JRH:cer

Enclosures

cc: Stephen C. Winter & M. Kent Krabbe
606 Bosley Avenue, Towson, Md. 21204

Robert A. Hoffman, Cook, Howard, Downes & Tracy
210 Allegheny Avenue, P.O. Box 5517, Towson, Md. 21204

LAW OFFICES
COOK, HOWARD, DOWNES & TRACY
210 ALLEGHENY AVENUE
P.O. BOX 5517
TOWSON, MARYLAND 21204

JAMES H. COOK
JOHN B. HOWARD
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KATHLEEN GALLAGHER COX
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J. MICHAEL BRENNAN
H. BARRY PETERSON, JR.
JOSEPH F. BREE, JR.
KATHRYN L. KOTZ
JAMES R. MACALISTER
JAMES N. MARTIN
REGAN J. R. SMITH
NEWTON B. FOWLER, III
CHARLES R. WELLINGTON
KEVIN J. MANDONEY
ELISABETH S. RUBIN
MARK E. SMITH
JAMES D. C. DOWNES
(1908-1979)

November 3, 1988

Hand Delivery

J. Robert Haines, Esquire
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Notice of Appeal - 89-99-SPHA
Findings of Fact and Conclusions of Law -
Dated October 4, 1988

Dear Mr. Haines:

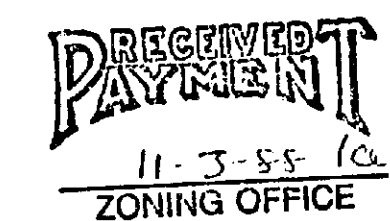
Please note an Appeal to the County Board of Appeals of
Baltimore County on behalf of Steven M. Blum and Westwood Homes,
Inc., Appellants, whose address is 17 Warren Road, Suite 2A,
Baltimore, Maryland 21208, from the Findings of Fact and
Conclusions of Law referenced above.

Enclosed is a check in the amount of One Hundred Sixty-Five
Dollars (\$165.00) to cover the cost of filing.

Thank you.

Very truly yours,
Robert A. Hoffman
Robert A. Hoffman

RAH:bw
LETR0009.RAH
Enclosure
cc: Steven M. Blum



IN RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE - SE/S Michelle Way (3609 Michelle Way) 3rd Election District 3rd Councilmanic District

Benjamin H. Blum, et al
Petitioners

Nancy Croxall Roome Whitelock
and
Shelly Lynne Davis Suddith
Appellant

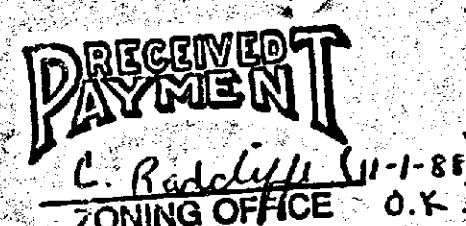
NOTICE OF APPEAL

Nancy Croxall Roome Whitelock and Shelly Lynne Davis Suddith,
descendants of the Croxall family members buried in the Croxall
family cemetery and title holders of the cemetery property adjacent
to 3609 Michelle Way, for themselves and all others similarly
situated, by their attorneys, Stephen C. Winter and M. Kent Krabbe,
appeal to the Board of Appeals of Baltimore County from the
Findings of Fact And Conclusions Of Law and Order entered by the
Deputy Zoning Commissioner of Baltimore County in the above-
captioned case dated October 4, 1988.

Stephen C. Winter
STEPHAN C. WINTER

M. Kent Krabbe
M. KENT KRABBE
606 Bosley Avenue
Towson, Maryland 21204
(301) 321-6222

Attorneys for Plaintiffs



CERTIFICATE OF SERVICE

I hereby certify that on this 31st day of October, 1988 a copy
of this Notice of Appeal was mailed, postage prepaid to Robert A.
Hoffman, Esquire, 210 Allegheny Avenue, Towson, Maryland 21204.

M. Kent Krabbe
M. KENT KRABBE

5.0\MKK-Whitelock.Appeal

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 3rd Date of Posting: 11-21-88
Posted for: Appeal
Petitioner: Benjamin Blum, et al
Location of property: SE side of Michelle Way
(3609 Michelle Way)
Location of Sign: SE side of Michelle Way at entrance to
subject property 3609 Michelle Way
Remarks: J. J. Haines
Posted by: J. J. Haines Date of return: 11-25-88
Number of Signs: 1

DEED

THIS DEED is dated September 16, 1988, from SEWELL J.
SHUGER (the "Grantor") to WESTWOOD HOMES, INC. and BENJAMIN H.
BLUM (collectively, the "Grantees").

THE GRANTOR, in consideration of Twelve Thousand
Dollars (\$12,000.00), hereby grants, conveys and assigns to the
Grantee, its successors and assigns, in fee simple, that certain
real property located in Baltimore County, State of Maryland,
and described on Exhibit A attached hereto (the "Property").

TOGETHER with all improvements thereupon, and the
rights, alleys, ways, waters, easements, privileges,
appurtenances and advantages belonging or appertaining thereto.

TO HAVE AND TO HOLD the Property hereby conveyed to the
Grantee, its successors and assigns, in fee simple forever;
PROVIDED, HOWEVER, that the Grantee, its successors and assigns
shall not at any time construct or cause to be constructed any
structures or improvements on or in the Property.

THE GRANTOR covenants to warrant specially the Property
hereby conveyed and to execute such further assurances of the
Property as may be requisite.

IN WITNESS WHEREOF, the Grantor has caused this Deed to
be executed and sealed as of the day and year first above
written.

WITNESS: *Shelly Lynne Davis Suddith* GRANTOR: *Sewell J. Shuger* (Seal)
Sewell J. Shuger

STATE OF MARYLAND, COUNTY OF Baltimore

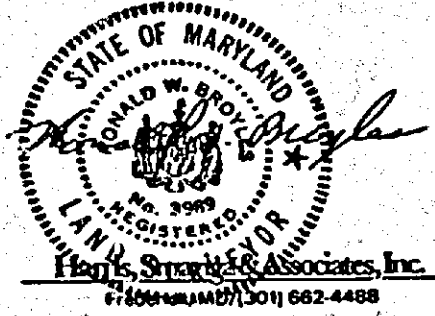
EXHIBIT A

DESCRIPTION
0.0191 ACRE PARCEL ADJACENT TO LOT 11 ANTON WOODS
PART OF SEWELL J. SHUGER LAND, BALTIMORE COUNTY, MARYLAND

BEGINNING at the beginning point of the land described in the deed from Seights Estates to Sewell J. Shuger and Virginia G. Shuger dated November 24, 1958 and recorded among the Land Records of Baltimore County in Liber G.L.B. 3454 Page 195, said point also being at the end of the South 33 degrees 18 minutes 59 seconds West 150.28 foot line of lot 11 as shown on the plat of "Section One Anton Woods" recorded among said Land Records in Plat Book E.H.K. JR 52 Folio 133, running thence binding on a part of the first line of said deed (1) South 33 degrees 18 minutes 59 seconds West 27.02 feet to the division line between the areas zoned RC-5 and DR-2, thence binding on a part of said zoning line (2) South 41 degrees 20 minutes 52 seconds West 85.89 feet, thence (3) North 33 degrees 18 minutes 59 seconds East 111.80 feet to the southwest outline of said lot 11, thence binding on a part of said outline (4) South 57 degrees 56 minutes 29 seconds East 12.00 feet to the place of beginning.

CONTAINING 833 square feet or 0.0191 of an acre of land.

RWB/raz HSM Job No.: 40218-0 September 15, 1988



Harris, Stricker, Orsillo, Inc.
Farmingdale, NY 11735

LAW OFFICES
COOK, HOWARD, DOWNES & TRACY
210 ALLEGHENY AVENUE
P.O. BOX 5317
TOWSON, MARYLAND 21204

JAMES H. COOK
JOHN B. HOWARD
DAVID D. DOWNES
DANIEL O.C. TRACY, JR.
JOHN H. ZINK, III
JOSEPH C. WICK, JR.
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CYNTHIA M. NANN

JUDITH A. ARNOLD
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RUTHEN L. KOTZ
JAMES K. MAGALISTER
REGAN J. R. SMITH
NEWTON B. FOWLER, III
MARK E. SMITH
JAMES D.C. DOWNES
(1904-1978)

(301) 494-9162
September 14, 1988

Lisa Keir, Executive Director
Valleys Planning Council
212 Washington Avenue
Box 5402
Towson, Maryland 21285-5402

Re: Cemetery on Lot 11, Anton Farms
Related to Case No. 89-99-SPHA

Dear Lisa:

I represent Steven Blum, the equitable owner and developer of Lot No. 11 in Anton Farms. In accordance with our discussions over the last week to 10 days, my client has agreed (without prejudice and without admission of any wrongdoing or liability) to perform the work described below on the "cemetery area" (shaded on the attached plat), in exchange for the Valleys Planning Council's agreement not to oppose the Petitioner in the above-referenced zoning case.

As you are aware, Steven Blum denies that he or any employee has any responsibility for the condition of the cemetery, and neither Steven or any related successor or party shall have any implicit duty to maintain the cemetery as a result of this compromise. This work is being done as an accommodation to concerned members of the Valleys Planning Council, as well as to improve the marketability of Lot No. 11.

The scope of the work to be performed on the cemetery shall be as follows:

1. Loose debris scattered around the cleared portion of the cemetery lot shall be removed.

PETITIONER'S EXHIBIT 4

Lisa Keir, Executive Director
Valleys Planning Council
September 14, 1988
Page 2

2. Full stones, or stone fragments with inscriptions shall be arranged in a symmetrical fashion and placed flat in the ground, so that they are affixed to the property.
3. The cleared area within the cemetery lot shall be fenced with an aluminum fence of a wrought iron appearance with a height of at least 2 1/2 feet.
4. Either you or John McGrain may observe the work being done and will be consulted on stone placement and location of the fence.
5. All work shall be completed within ninety (90) days of this agreement.

As you know, I had contacted Jack Tyre of the Cockeysville Monument Company and he indicated upon our meeting at the site that the stones involved could not be repaired. Therefore, John McGrain agrees that the above work is the best solution to restoration of the cemetery.

Thank you for your assistance in reaching a reasonable solution to this issue.

Kind regards.

Yours truly,
Robert A. Hoffman
Robert A. Hoffman

BAH:bw
cc: Steven Blum
John McGrain



County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 424-3800 897-3180

November 29, 1988

J. Carroll Holzer, Esquire
HOLZER, MAHER, & DEMILIO
305 W. Chesapeake Avenue, Suite 105
Towson, MD 21204

RE: Case No. 89-99-SPHA
Benjamin Blum, et al

Dear Mr. Holzer:

This is to acknowledge receipt of your correspondence of November 23, 1988.

Board Rule #2 provides that the Board shall give a minimum of ten days notice to all parties of the date of hearing. In view of the above, we must respectfully deny your request and this matter will be heard on December 28, 1988 pursuant to the previous notice.

Very truly yours,

Lawrence E. Schmidt
Lawrence E. Schmidt
County Board of Appeals

LES:kcw

cc: Mrs. Nancy Whitelock
Robert A. Hoffman, Esquire
Stephen C. Winter, Esquire

RONALD L. MAHER
J. CARROLL HOLZER
CAROLE S. DEMILIO
OF COUNSEL
J. HOWARD HOLZER

LAW OFFICES
HOLZER, MAHER, & DEMILIO
305 W. CHESAPEAKE AVENUE
SUITE 105
TOWSON, MARYLAND 21204
(301) 833-6900

WASHINGTON, D.C. OFFICE
235 SHOREHAM BUILDING
801 15TH STREET, N.W.
WASHINGTON, D.C. 20005
PLEASE REPLY TO:

November 23, 1988
#6386

William T. Hackett, Chairman
Baltimore County
Board of Appeals
County Office Building
Towson, Maryland 21204

RE: Petition for Special Hearing and Variance
Case No.: 89-99-SPHA

Dear Mr. Hackett:

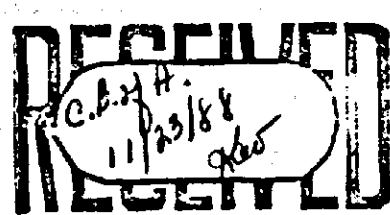
Please be advised that I have recently been contacted by heirs of the cemetery property involved in this particular case and as a result have forwarded my letter of representation to the Board. I just received a copy of a letter from Mr. Robert Hoffman requesting an expedited hearing in this case.

I most respectfully object to an expedited hearing in view of the fact that having just gotten into the case, I have not had an opportunity to properly investigate the matter and prepare the case for hearing.

I would, therefore, request that the above captioned matter not be scheduled until after the first of the year.

Very truly yours,
J. Carroll Holzer
J. Carroll Holzer

JCH:mlg
cc: Nancy Whitelock
Robert Hoffman, Esquire
Stephen C. Winter, Esquire



RONALD L. MAHER
J. CARROLL HOLZER
CAROLE S. DEMILIO
OF COUNSEL
J. HOWARD HOLZER

LAW OFFICES
HOLZER, MAHER, & DEMILIO
305 W. CHESAPEAKE AVENUE
SUITE 105
TOWSON, MARYLAND 21204
(301) 833-6900

WASHINGTON, D.C. OFFICE
235 SHOREHAM BUILDING
801 15TH STREET, N.W.
WASHINGTON, D.C. 20005
PLEASE REPLY TO:

November 18, 1988
#6386

Baltimore County
Board of Appeals
County Office Building
Towson, Maryland 21204

RE: Appeal
Case No.: 89-99-SPHA
Petition for Special Hearing & Variance
Benjamin H. Blum, et al., Petitioners

Nancy Whitelock
Shelly Davis Suddith, Appellants

Gentlemen:

Please be advised that I have been retained by the Appellants to represent them in the above captioned appeal filed by them on October 31, 1988.

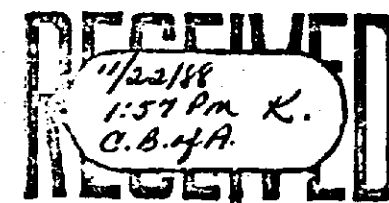
I would appreciate being advised of any future correspondence, trial and hearing date which may be forthcoming.

Very truly yours,
J. Carroll Holzer
J. Carroll Holzer

JCH:mlg
cc: Robert A. Hoffman, Esquire
210 Allegheny Avenue
Towson, Maryland 21204

Steven C. Winter, Esquire
606 Bosley Avenue
Towson, Maryland 21204

Mrs. Nancy Whitelock
10017 Hackberry Lane
Columbia, Maryland 21046



LAW OFFICES
COOK, HOWARD, DOWNES & TRACY
210 ALLEGHENY AVENUE
P.O. BOX 5317
TOWSON, MARYLAND 21204

JAMES H. COOK
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CHARLES R. WELLINGTON
KEVIN J. HANCOCK
ELIZABETH S. RUBIN
MARK E. SMITH
JAMES D.C. DOWNES
(1904-1978)

November 3, 1988

Hand Delivery

J. Robert Haines, Esquire
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Notice of Appeal - 89-99-SPHA
Findings of Fact and Conclusions of Law -
Dated October 4, 1988

Dear Mr. Haines:

Please note an Appeal to the County Board of Appeals of Baltimore County on behalf of Steven M. Blum and Westwood Homes, Inc. Appellants, whose address is 17 Warren Road, Suite 2A, findings of Fact and

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE: 11-14-88 ACCOUNT: 001-006-6150

AMOUNT: \$ 165.00

RECEIVED FROM: COOK, HOWARD, DOWNES, & TRACY

FOR: APPEAL FILING CASE # 89-99-SPHA BENJAMIN BLUM, et al.

VALIDATION OR SIGNATURE OF CASHIER

RECEIVED PAYMENT 11-3-88 ZONING OFFICE

IN RE: PETITIONS FOR SPECIAL HEARING * BEFORE THE
AND VARIANCE - SE/S Michelle * DEPUTY ZONING COMMISSIONER
Way (3609 Michelle Way) * OF BALTIMORE COUNTY
3rd Election District * Case No. 89-99-SPHA
3rd Councilmanic District *

Benjamin H. Blum, et al
Petitioners
Nancy Croxall Rooms Whitelock
and
Shelly Lynne Davis Suddith
Appellant

NOTICE OF APPEAL

Nancy Croxall Rooms Whitelock and Shelly Lynne Davis Suddith, descendants of the Croxall family members buried in the Croxall family cemetery and title holders of the cemetery property adjacent to 3609 Michelle Way, for themselves and all others similarly situated, by their attorneys, Stephen C. Winter and M. Kent Krabbe, appeal to the Board of Appeals of Baltimore County from the Findings of Fact And Conclusions of Law and Order entered by the Deputy Zoning Commissioner of Baltimore County in the above-

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE: 11-1-88 ACCOUNT: 001-006-6150

AMOUNT: \$ 165.00

RECEIVED FROM: STEPHEN C. WINTER (301-6232)

FOR: APPEAL FILING CASE # 89-99-SPHA BENJAMIN BLUM, et al. PETITIONERS

VALIDATION OR SIGNATURE OF CASHIER

CERTIFICATE OF SERVICE

I hereby certify that on this 31st day of October, 1988 a copy of this Notice of Appeal was mailed, postage prepaid to Robert A. Hoffman, Esquire, 210 Allegheny Avenue, Towson, Maryland 21204.

M. Kent Krabbe
M. KENT KRABBE

5.0\MKK\Whitelock.Appeal

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

October 4, 1988



Dennis F. Reumann
County Executive

Robert A. Hoffman, Esquire
Cook, Howard, Downes & Tracy
210 Allegheny Avenue
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING AND ZONING VARIANCE
SE/S Michelle Way (3609 Michelle Way)
3rd Election District - 3rd Councilmanic District
Benjamin H. Blum, et al - Petitioners
Case No. 89-99-SPHA

Dear Mr. Hoffman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Zoning Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

M. N. Nastarowicz
ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

cc: Mr. Charles W. Ahalt
6102 Corington Road, Columbia, Md. 21044

Ms. Lisa Keir
Valleys Planning Council, P.O. Box 5402, Towson, Md. 21204-2085

Steven I. Batoff, Esquire
16 S. Calvert Street, Suite 200, Baltimore, Md. 21202

Mrs. Herbert Whitelock
10017 Hackberry, Columbia, Md. 21046

People's Counsel
File

LAW OFFICES
OFFIT & BATOFF, P.A.
FOXLEIGH BUILDING
SUITE 110
2330 WEST JOPPA ROAD
BALTIMORE, MARYLAND 21093-4603

(301) 296-6444
TELEFAX (301) 296-4169

September 12, 1988

BALTIMORE CITY
SUITE 200
14 SOUTH CALVERT STREET
BALTIMORE, MARYLAND 21202
(301) 359-6444

J. Robert Haines, Zoning Commissioner
Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204

Dear Mr. Haines:

Please be informed that Steven M. Blum of Westwood Homes, Inc. and Benjamin H. Blum have requested that Robert Hoffman handle the hearing scheduled for September 16, 1988 with respect to Lot 11, Anton Woods, Section 1, 3609 Michelle Way. Therefore, please address all correspondence to Mr. Hoffman or to Steven Blum or Benjamin Blum.

Sincerely,

Steven I. Batoff
Steven I. Batoff

SIB/slr
Enclosures
cc: Mr. Benjamin H. Blum
Mr. Steven M. Blum
10

RECEIVED
SEP 14 1988
ZONING OFFICE

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

November 15, 1988



Dennis F. Reumann
County Executive

Baltimore County Board of Appeals
County Office Building, Room 315
Towson, Maryland 21204

RE: Petition for Special Hearing & Variance
SE/S Michelle Way
(3609 Michelle Way)
3rd Election District, 3rd Councilmanic District
Benjamin H. Blum, et al - Petitioners
Case No. 89-99-SPHA

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on 1.) November 1, 1988 by Stephen C. Winter and M. Kent Krabbe, Attorneys on behalf of Protestants and 2.) November 3, 1988 by Robert A. Hoffman, Attorney on behalf of the Petitioners. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner

JRH:cer

Enclosures

cc: Stephen C. Winter & M. Kent Krabbe
606 Bosley Avenue, Towson, Md. 21204

Robert A. Hoffman, Cook Howard, Downes & Tracy
210 Allegheny Avenue, P.O. Box 5517, Towson, Md. 21204

Witness: the hands and seals of the within named grantors.
Witness: J. Donald Connor Charles S. Piggot (Seal)
J. Donald Connor Charles S. Piggot (Seal)
Ruth B. Piggot (Seal)
Ruth B. Piggot

WITNESSES: the hands and seals of the within named grantors.
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Case No. 89-99-SPHA
Appeal
November 15, 1988
Page 2

George H. Pryor, Harris, Smariga & Matz, Inc.
115-B Sudbrook Lane, Pikesville, Maryland 21208
Dr. Harvey Litofsky, 3611 Michelle Way, Baltimore, Md. 21208
Ronnie Footlick, 3610 Michelle Way, Baltimore, Md. 21208
Sherry Berlin, 3600 Michelle Way, Baltimore, Md. 21208
Steven M. Blum, Westwood Homes, 17 Warren Road, Suite 2A
Baltimore, Md. 21208
Charles W. Ahalt, 6102 Corington Road, Columbia, Md. 21044
Lisa Keir, Valleys Planning Council
P.O. Box 5402, Towson, Md. 21204-2085
Steven I. Batoff, 16 S. Calvert Street
Suite 200, Baltimore, Md. 21202
Herbert Whitelock, 10017 Hackberry, Columbia, Md. 21046
Keith Franz, 401 Washington Avenue, Suite 502, Towson, Md. 21204
People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

File

APPEAL

Petition for Special Hearing & Variance
585/5 Michelle Way
(3609 Michelle Way)
3rd Election District - 3rd Councilmanic District
Benjamin H. Blum, et al - Petitioner
Case No. 89-99-SPHA

Petition for Special Hearing & Variance
Description of Property
Certificate of Posting
Certificate of Publication
Entry of Appearance of People's Counsel (None submitted)
Zoning Plans Advisory Committee Comments
Director of Planning & Zoning Comments (None submitted)
Petitioner's Exhibits: 1. Copy of Final Development Plan of "Anton Woods"
2. Drawing of "Anton Woods"
3. Copy of Deed and Description
4. Copy of Letter to Lisa Keir from Robert Hoffman
5. Original Final Development Plan of "Anton Woods"

Zoning Commissioner's Order dated October 4, 1988 (Granted w/ Restrictions)

Notice of Appeal received 1.) November 1, 1988 by Stephen C. Winter and M. Kent Krabbe, Attorneys on behalf of Protestants 2.) November 3, 1988 by Robert A. Hoffman, Attorney on behalf of Petitioner.

cc: Stephen C. Winter & M. Kent Krabbe
606 Bosley Avenue, Towson, Md. 21204

Robert A. Hoffman, Cook Howard, Downes & Tracy
210 Allegheny Avenue, P.O. Box 5517, Towson, Md. 21204

George H. Pryor, Harris, Smariga & Matz, Inc.
115-B Sudbrook Lane, Pikesville, Maryland 21208

Dr. Harvey Litofsky, 3611 Michelle Way, Baltimore, Md. 21208

Ronnie Footlick, 3610 Michelle Way, Baltimore, Md. 21208

Sherry Berlin, 3600 Michelle Way, Baltimore, Md. 21208

Steven M. Blum, Westwood Homes, 17 Warren Road, Suite 2A
Baltimore, Md. 21208

Charles W. Ahalt, 6102 Corington Road, Columbia, Md. 21044

Lisa Keir, Executive Director
Valleys Planning Council
September 14, 1988
Page 2

2. Full stones, or stone fragments with inscriptions shall be arranged in a symmetrical fashion and placed flat in the ground, so that they are affixed to the property.
3. The cleared area within the cemetery lot shall be fenced with an aluminum fence of a wrought iron appearance with a height of at least 2 1/2 feet.
4. Either you or John McGrain may observe the work being done and will be consulted on stone placement and location of the fence.
5. All work shall be completed within ninety (90) days of this agreement.

As you know, I had contacted Jack Tyre of the Cockeysville Monument Company and he indicated upon our meeting at the site that the stones involved could not be repaired. Therefore, John McGrain agrees that the above work is the best solution to restoration of the cemetery.

Thank you for your assistance in reaching a reasonable solution to this issue.

Kind regards.

Yours truly,

Robert A. Hoffman

RAH:bw
cc: Steven Blum
John McGrain

Case No. 89-99-SPHA
Appeal
November 15, 1988
Page 2

Lisa Keir, Valleys Planning Council
P.O. Box 5402, Towson, Md. 21204-2085

Steven I. Batoff, 16 S. Calvert Street
Suite 200, Baltimore, Md. 21202

Herbert Whitelock, 10017 Hackberry, Columbia, Md. 21046

Keith Franz, 401 Washington Avenue, Suite 502, Towson, Md. 21204

People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

Request Notification: P. David Fields, Director of Planning & Zoning
Patrick Keller, Office of Planning & Zoning
J. Robert Haines, Zoning Commissioner
Ann M. Nastarowicz, Deputy Zoning Commissioner
James E. Dyer, Zoning Supervisor
Docket Clerk

LAW OFFICES
COOK, HOWARD, DOWNES & TRACY
210 ALLEGHENY AVENUE
P.O. BOX 5517
TOWSON, MARYLAND 21204

JAMES H. COOK
JOHN B. HOWARD
DAVID D. DOWNES
DANIEL C. TRACY, JR.
JOHN H. ZINK, II
JOSEPH C. WICK, JR.
HENRY B. PECK, JR.
HERBERT R. OGDONOR, III
THOMAS L. HUDSON
C. CAREY DELLEY, JR.
N. KING HILL, II
GEORGE A. REYNOLDS, III
ROBERT A. HOFFMAN
CYNTHIA M. HAHN

TELEPHONE
(301) 963-4411
TELECOPIER
(301) 961-0147
DIRECT DIAL NUMBER

(301) 494-9162
September 14, 1988

JUDITH A. ARNOLD
DEBORAH C. DOPPIN
KATHLEEN GALLOGLY COX
J. MICHAEL BRENAN
R. BARNETT PETERSON, JR.
KATHRYN L. ROTE
JAMES R. MACGILLISTER
REGAN J. R. SMITH
HEWTON B. FOWLER, III
MARK E. SMITH
JAMES D. C. DOWNES
(1908-1979)

Lisa Keir, Executive Director
Valleys Planning Council
212 Washington Avenue
Box 5402
Towson, Maryland 21285-5402

Re: Cemetery on Lot 11, Anton Farms
Related to Case No. 89-99-SPHA

Dear Lisa:

I represent Steven Blum, the equitable owner and developer of Lot No. 11 in Anton Farms. In accordance with our discussions over the last week to 10 days, my client has agreed (without prejudice and without admission of any wrongdoing or liability) to perform the work described below on the "cemetery area" (shaded on the attached plat), in exchange for the Valleys Planning Council's agreement not to oppose the Petitioner in the above-referenced zoning case.

As you are aware, Steven Blum denies that he or any employee has any responsibility for the condition of the cemetery, and neither Steven or any related successor or party shall have any implicit duty to maintain the cemetery as a result of this compromise. This work is being done as an accommodation to concerned members of the Valleys Planning Council, as well as to improve the marketability of Lot No. 11.

The scope of the work to be performed on the cemetery shall be as follows:

1. Loose debris scattered around the cleared portion of the cemetery lot shall be removed.

DEED

THIS DEED is dated September 16, 1988, from SEWELL J. SHUGER (the "Grantor") to WESTWOOD HOMES, INC. and BENJAMIN H. BLUM (collectively, the "Grantee").

THE GRANTOR, in consideration of Twelve Thousand Dollars (\$12,000.00), hereby grants, conveys and assigns to the Grantee, its successors and assigns, in fee simple, that certain real property located in Baltimore County, State of Maryland, and described on Exhibit A attached hereto (the "Property").

TOGETHER with all improvements thereupon, and the rights, alleys, ways, waters, easements, privileges, appurtenances and advantages belonging or appertaining thereto.

TO HAVE AND TO HOLD the Property hereby conveyed to the Grantee, its successors and assigns, in fee simple forever; PROVIDED, HOWEVER, that the Grantee, its successors and assigns shall not at any time construct or cause to be constructed any structures or improvements on or in the Property.

THE GRANTOR covenants to warrant specially the Property hereby conveyed and to execute such further assurances of the Property as may be requisite.

IN WITNESS WHEREOF, the Grantor has caused this Deed to be executed and sealed as of the day and year first above written.

WITNESS:

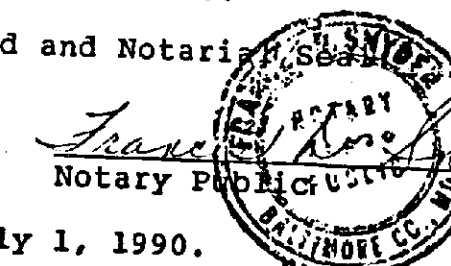
GRANTOR:

Seawell J. Shuger *Seawell J. Shuger* (Seal)
Seawell J. Shuger

STATE OF MARYLAND, COUNTY OF Baltimore, to wit:

I HEREBY CERTIFY that on this 16 day of September, 1988, before me, a Notary Public in and for the State aforesaid, personally appeared SEWELL J. SHUGER, who acknowledged that he executed the foregoing instrument on for the purposes therein contained by signing his name thereto.

AS WITNESS my hand and Notary Seal



My Commission Expires: July 1, 1990.

Petitioner's
Exhibit 3

EXHIBIT

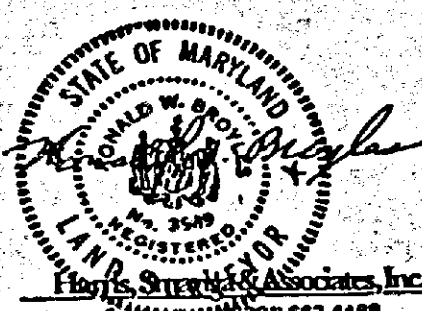
DESCRIPTION

0.0191 ACRE PARCEL ADJACENT TO LOT 11 ANTON WOODS
PART OF SEWELL J. SHUGER LAND, BALTIMORE COUNTY, MARYLAND

BEGINNING at the beginning point of the land described in the deed from Heights Estates to Sewell J. Shuger and Virginia G. Shuger dated November 24, 1958 and recorded among the Land Records of Baltimore County in Liber G.L.B. 3454 Page 195, said point also being at the end of the South 33 degrees 18 minutes 59 seconds West 150.28 foot line of lot 11 as shown on the plat of "Section One Anton Woods" recorded among said Land Records in Plat Book E.H.K. JR 52 Folio 133, running thence binding on a part of the first line of said deed (1) South 33 degrees 18 minutes 59 seconds West 27.02 feet to the division line between the areas zoned RC-5 and DR-2, thence binding on a part of said zoning line (2) South 41 degrees 20 minutes 52 seconds West 85.89 feet, thence (3) North 33 degrees 18 minutes 59 seconds East 111.80 feet to the southwest outline of said lot 11, thence binding on a part of said outline (4) South 57 degrees 56 minutes 29 seconds East 12.00 feet to the place of beginning.

CONTAINING 833 square feet or 0.0191 of an acre of land.

RWB/taz HSM Job No.: 40218-0 September 15, 1988



Harris, Smariga, Ozell, Inc.
Farmingdale, VA 21031 309-355-4488

PETITIONER'S
EXHIBIT 4

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

George H. Pryor
Steven M. Blum
Rob Hoffman
Ben Blum
Harvey Litofsky
Ronnie Footlick
Sherry Berlin

HARRIS, SMARIGA & MATZ
Westwood Homes 17 Warren Rd Suite 2A
210 Allegheny Ave
177 Warren Rd
3611 Michelle Way
3610 Michelle Way
3600 Michelle Way

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME

ADDRESS

Charles W. Ahalt
Lisa Keir, Valleys Planning Council
Keith Franz, Dwyer

6102 Corington Rd, Columbia Md
21044
P.O. Box 5402 Towson
401 Washington Ave Suite 502 Towson

Phil Andrews 752-6030
Lisa
89-99 SPHA
Weslwood Hires Inc.
Ben Blum
Falcon-Julse
Stellar 3023
Mike 5669
McMan 4820

IMPORTANT MESSAGE

TO Carl
DATE 9/18/91 TIME 10:26 A.M.
WHILE YOU WERE OUT
M Phil Andrews
OF
Area Code & Exchange 752-6030

TELEPHONED	PLEASE CALL
CALLED TO SEE YOU	WILL CALL AGAIN
WANTS TO SEE YOU	URGENT
RETURNED YOUR CALL	

Message ANTON 2000
Operator

IMPORTANT MESSAGE

TO Carl
DATE 9/18/91 TIME 8:50 A.M.
WHILE YOU WERE OUT
M Phil Andrews
OF
Area Code & Exchange 752-6030

TELEPHONED	PLEASE CALL
CALLED TO SEE YOU	WILL CALL AGAIN
WANTS TO SEE YOU	URGENT
RETURNED YOUR CALL	

Message File -> 1988
LOT 11 Sect 1 ANTON
WOODS SUB-DIV.
USE + occupancy ->
semetary
Operator

CV-4

CIRCUIT COURT FOR BALTIMORE COUNTY

SUZANNE MENSCH, CLERK
COUNTY COURTS BUILDING
401 BOSLEY AVENUE
P.O. BOX 8754
TOWSON, MARYLAND 21285-8754

Benjamin H. Blum, et al.,
Plaintiffs
Vs.
W. Duvall & Associates, Inc.,
Defendant

Case Number 89CG1013/66/213
(X) Civil () Criminal

SUBPOENA

STATE OF MARYLAND, BALTIMORE COUNTY TO WIT:

TO: (Name, Address, County) Custodian of Records
Baltimore County Zoning Office
Baltimore County Office Building
111 West Chesapeake Avenue, Room 113
Towson, Maryland 21204

YOU ARE HEREBY COMMANDED TO: (X) Personally appear; () Produce documents and or objects only
(X) Personally appear and produce documents or objects;
at Circuit Court for Baltimore County, County Courts Building, 401 Bosley Avenue, Courtroom 11, Towson, Maryland 21204
(Place where attendance is required)

on Thursday the 19th day of September, 1991, at 10:00 a.m. PM

YOU ARE COMMANDED TO produce the following documents or objects:
Zoning case file regarding: In Re: Petitions for Special Hearing and Variance -
SE/8 Michelle Way (3609 Michelle Way)
3rd Election District, 3rd Councilmanic District, Case No. 89-99-SPHA

Subpoena requested by () Plaintiff; () Defendant; and any questions should be referred to: District, Case No. 89-99-SPHA

Philip M. Andrews, Kramon & Graham, P.A., Sun Life Building, 20 S. Charles Street, Baltimore, Md. 21201
(Name of Party or Attorney, Address and Phone Number) (301) 752-6030

Date Issued September 18, 1991

Suzanne Mensch
CLERK

NOTICE:

(1) YOU ARE LIABLE TO BODY ATTACHMENT AND FINE FOR FAILURE TO OBEY THIS SUBPOENA.
(2) This subpoena shall remain in effect until you are granted leave to depart by the Court or by an officer acting on behalf of the Court.
(3) If this subpoena is for attendance at a deposition and the party served is an organization, notice is hereby given that the organization must designate a person to testify pursuant to Rule 2-412(d).

SHERIFF'S RETURN

() Served and copy delivered on date indicated below.
() Unserved, by reason of _____
Date: _____ Fee: \$ _____
SHERIFF _____
Original and one copy needed for each witness

RECEIVED
SEP 18 1991
PM
By SCJ

CV-4

CIRCUIT COURT FOR BALTIMORE COUNTY

SUZANNE MENSCH, CLERK
COUNTY COURTS BUILDING
401 BOSLEY AVENUE
P.O. BOX 8754
TOWSON, MARYLAND 21285-8754

Benjamin H. Blum, et al.,
Plaintiffs
Vs.
W. Duvall & Associates, Inc.,
Defendant

Case Number 89CG1013/66/213
(X) Civil () Criminal

SUBPOENA

STATE OF MARYLAND, BALTIMORE COUNTY TO WIT:

TO: (Name, Address, County) Carl Richards, Zoning Coordinator
Baltimore County Zoning Office
Baltimore County Office Building
111 West Chesapeake Avenue, Room 113
Towson, Maryland 21204

YOU ARE HEREBY COMMANDED TO: (X) Personally appear; () Produce documents and or objects only
(X) Personally appear and produce documents or objects;
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(Place where attendance is required)

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SE/8 Michelle Way (3609 Michelle Way)
3rd Election District, 3rd Councilmanic District, Case No. 89-99-SPHA

Subpoena requested by (X) Plaintiff; () Defendant; and any questions should be referred to: Case No. 89-99-SPHA

Philip M. Andrews, Kramon & Graham, P.A., Sun Life Bldg., 20 S. Charles Street, Baltimore, Md. 21201
(Name of Party or Attorney, Address and Phone Number) (301) 752-6030

Date Issued September 18, 1991

Suzanne Mensch
CLERK

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SHERIFF'S RETURN

() Served and copy delivered on date indicated below.
() Unserved, by reason of _____
Date: _____ Fee: \$ _____
SHERIFF _____
Original and one copy needed for each witness

RECEIVED
SEP 18 1991
PM
By SCJ

cc: Gwendolyn Stevens
Case File

MAURICE OFFIT
THOMPSON & OFFIT
RONALD B. KATZ

LAW OFFICES
OFFIT & OFFIT, P.A.
SUITE 200
16 SOUTH CALVERT STREET
BALTIMORE, MARYLAND 21202

030 539-6444

July 11, 1988

TOWSON OFFICE
SUITE 200
107 EMDLWORTH DRIVE
TOWSON, MARYLAND 21204
(301) 796-6444

HAND DELIVERY

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: 3609 Michelle Way
Baltimore County, Maryland
Petition for Special Hearing

Dear Mr. Haines:

I respectfully request an expeditious hearing on the Petition for Special Hearing regarding 3609 Michelle Way. I am enclosing a copy of the Petition, which has been delivered to James Dyer of your office. My request is based upon the pending settlement on 3609 Michelle Way by Aron and Roberta Perlman on July 14, 1988. The Perlman's will suffer irreparable harm if an expeditious hearing is not granted by your office. Therefore, we respectfully request that a hearing date be set by your office as soon as possible.

Sincerely,

Steven I. Batoff

SIB/sdn
Enclosure

cc: Mr. Steven M. Blum
Mr. Benjamin Blum
Mr. James Dyer
Aron and Roberta Perlman

4033/1

LAW OFFICES
COOK, HOWARD, DOWNES & TRACY
210 ALLEGHENY AVENUE
P.O. BOX 957
TOWSON, MARYLAND 21204

JAMES H. COOK
JOHN B. HOWARD
DAVID D. DOWNES
DANIEL O.C. TRACY, JR.
JOHN B. DINE, JR.
JOSEPH E. WICK, JR.
HARRY B. PECK, JR.
HERBERT R. O'CONNOR, III
THOMAS L. HUDSON
C. GARY DELEY, JR.
M. KING HILL, III
GEORGE A. REYNOLDS, III
ROBERT A. HOFFMAN
CYNTHIA M. HAHN

(301) 494-9162

September 23, 1988

Ann Nastarowicz,
Deputy Zoning Commissioner
of Baltimore County
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Case No.: 89-99-SPHA
Benjamin H. Blum, Petitioner

Dear Ann:

Enclosed please find a draft of the proposed Findings of Fact and Conclusions of Law in the referenced case.

I am also including a copy of the deed from Sewell J. Shuger to Westwood Homes, Inc. and Benjamin H. Blum which should be marked as Petitioner's Exhibit No. 3.

Please call me with any comments or revisions you may have.

Yours truly,

Robert A. Hoffman

RAH:bw
Enclosure

RECEIVED ZONING OFFICE
DATE: 9/24/88

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: John Reisinger, Buildings Engineer October 7, 1988
Permits & Licenses

FROM: James E. Dyer, Zoning Supervisor
Planning & Zoning

SUBJECT: 3609 Michelle Way
Blum Property

This will advise you that Mr. Steven Blum has satisfied all requirements of the Zoning Office and his permit may be issued.

JED/cer



WARREN ROAD / Suite 3A • BALTIMORE, MARYLAND 21208 • (301) 484-6566

October 7, 1988

Jim Dyer
Baltimore County Zoning

Dear Jim,

We will file an amended development plan on 3609 Michelle Way within thirty (30) days from October 4, 1988.

Thanks,

Steven M. Blum, President
WESTWOOD HOMES, INC.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Frank C. Roby, Jr., Administrative Office July 11, 1988
Administrative Office

FROM: J. Robert Haines
Zoning Commissioner

SUBJECT: STATUS REPORT
ANTON WOODS SUBDIVISION
Lot 11, Section One and
Dedication of Cemetery

The following is a chronological order of events with regard to this office's activities concerning Lot 11 and the cemetery. My assessment of the problems and suggested solutions follow the listed chronology of events:

12/31/86 - Building Permit Application No. 92444 is approved for Lot 11, Section One - ANTON WOODS. Lot 11 is indicated on said permit as containing 1.19 acres inclusive of the cemetery lot easement. (Easements are normally included in gross area acreage calculations)

1/1/87 - Same Permit is approved by Current Planning.

3/22/88 - Enforcement receives a complaint alleging that Westwood Homes (Steven Blum) is building a house on less than one acre at 3609 Michelle Way which is Lot 11.

3/29/88 - Steven Batoff telephoned Gary Kerns, Chief - Current Planning Division, for advice as to whether a lot size of .997 would meet the requirement of a one acre lot size in an R.C.5 Zone. After conferring with Jim Dyer of my staff, Gary relayed to Mr. Batoff that .997 would be considered in compliance with the one acre lot requirement, but would be subject to written verification.

3/29/88 - Jim Dyer received a letter requesting verification, however, the lot size is now designated as being either .97 or .94 in area. Said letter also contained the following information:

a.) That a house had been constructed on the lot and that a buyer had been found.

Frank C. Roby, Jr., Administrative Office
Anton Woods Subdivision - Status Report
July 11, 1988
Page 2

b.) That the title insurance company for the buyer determined that the lot only contained .97 or .94 acres because Mr. Blum did not acquire title to the family cemetery on the lot. The deeds reflecting the lots chain of title suggest that the cemetery was never conveyed to anybody, but rather, that it was still owned by the family. Consequently, the title insurance company has refused to give the prospective buyer clear title to the cemetery which is either .22 or .25 acres in size depending upon which deed is used. Thus, the lot size is either .97 (i.e. 1.19 - .22) or .94 (i.e. 1.19 - .25) and the buyer will not buy the house. Mr. Blum's letter also states that his client purchased the 1.19 acres of land based upon representation made by the engineer who surveyed the land and thus believed that he was in full compliance (when the house was constructed).

4/1/88 - Complainant is sent notification that his complaint has been received and an inspector has been assigned.

4/6/88 - Upon receiving a copy of Steven Batoff's March 29, 1988 letter to Jim Dyer and after discussing same with Jim, Gary Kerns writes to Mr. Batoff and informs him that the change in lot area from .97 to .94 or .95 will require the approval of the Zoning Commissioner and that a meeting should be arranged with myself and/or Jim Dyer.

5/17/88 - Police report is received indicating possible cemetery desecration adjacent to 3609 Michelle Way. See attached report.

5/18/88 - In the absence of any reply or action regarding Gary Kerns' letter of 4/6/88, Jim Dyer, writes to Mr. Batoff informing him that a public hearing (Special Hearing) will be required to resolve the issue of lot size.

6/24/88 - About 3:00 p.m. Jim Dyer received a call from the Deputy Director of Planning, Patrick Keller, who informed him that a cemetery was being bulldozed at 3609 Michelle Way. He asked if an inspector could be sent to the site as soon as possible. An inspector was sent to the site with instructions to take pictures of any damage and to stop any further destruction of the cemetery.

6/24/88 - About 3:15 p.m., Jim Dyer was called to your office at which time, you requested information about Anton Woods development and the cemetery in question. At that time, Jim informed you of Patrick Keller call and that an inspector was on his way to the site. He also informed you of the problem with the lot size and left a copy of the Development plan with you.

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July 11, 1988
Page 3

6/27/88 - Monday morning, the Zoning Inspector informed Jim Dyer that: "The cemetery was not being bulldozed when she arrived and that all damage had occurred on the date of the police report, i.e. approximately 5 weeks prior to 6/24/88."

6/29/88 - Second Police Report concerning possible cemetery desecration received by Enforcement office (see attached).

7/5/88 - Jim Dyer received a hand delivered letter from Mr. Batoff explaining that he had not received our correspondence of April 6, May 18, and June 23. The reason being that he had left the law firm (on April 4, 1988) whose address appeared on his last correspondence (March 29, 1988) requesting verification of the .94 or .97 lot size - and that said correspondence had not been forwarded to him. He requesting copies of all such correspondence in order that he could take any steps necessary to correcting whatever was addressed in the correspondence.

7/5/88 - Jim met with Mr. Batoff, Mr. Steve Blum, and Mr. Blum's engineering/surveyor - Doug Frederick at 10:30 a.m. Mr. Blum and Mr. Batoff maintained that of the two issues, the desecration of the cemetery, and lot size, only the matter of lot size was to be discussed as Mr. Blum had no part in the desecration. It was acknowledged that as a result of the CIG meeting and subsequent approval of the CIG plan and development plan, the cemetery was to be preserved. In order to comply with this requirement, boundary lines for the cemetery were established by the surveyor, Mr. Frederick. Mr. Frederick indicated that care was taken to make sure that the cemetery boundaries were more than sufficient to encompass the grave sites/cemetery. It was their opinion that the boundaries as established by them could be reduced by as much as 5 feet parallel to Lot 11's boundary lines. It was assumed by Jim Dyer that any reduced area would conform to the larger area referred to in the cemetery books, i.e. .25 acres. Jim informed Mr. Blum and Mr. Batoff that changes to the Development Plan and Building Permit would require:

- 1.) Advertising and posting of the property.
- 2.) A Special Hearing petition signed by the legal owner(s) and Contract Purchaser requesting approval of an amended Development Plan and Building Permit and/or a request for a determination as to whether or not the area of Lot 11 (.94) is sufficient to comply with the one acre lot requirement.

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Page 4

3.) In any case sealed engineering drawing showing the boundaries of Lot 11, the cemetery, location of the driveway, and the dwelling, will be required to be filed as part of the petition request.

7/5/88 - 11:30 a.m. Jim Dyer and Jim Thompson visited the site on this date and they observed the corner stakes installed by a County survey crew. The following was noticed:

- 1.) The well is located within the area staked out for the cemetery.
- 2.) Grave markers and headstones were observed broken and in disarray in a small area within the overall cemetery site that is mostly surrounded by trees. Mrs. Merritt who lives in an adjoining home and identified herself as the person who filed the police complaint appeared on the cemetery site and when asked, stated that the original location of the grave markers was generally the area that they presently occupy, however, she noted that they had been disturbed, turned over, broken, partially buried, etc.
- 3.) A portion of the cemetery site in the vicinity of the well has been seeded with lawn grass and is free of trees, brush, etc.
- 4.) The driveway that provides access to the dwelling on Lot 11, the cemetery, and to Mrs. Merritt's dwelling, does not appear to cross or conflict with the cemetery area as presently staked by County. A later evaluation can be made when the Developer provides the Zoning Office with an up to date survey plat showing the exact location of the new dwelling on Lot 11, the driveway, and the cemetery boundaries.

For the purpose of clarification, Jim Dyer informs me that the second Police Reports reference to information obtained from his assistants, and the reference to a public hearing by the Zoning Commissioner was, in all probability, Gary Kerns - Chief of the Current Planning Division, and a CIG meeting respectively. The hearing notes referred to in the report were to his belief CIG notes. The only zoning related notes relative to the cemetery appear on the Development Plan and those notes state that the cemetery is to be preserved with access provided from Michelle Way.

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July 11, 1988
Page 5

To the best of my knowledge, the above represents a detailed account of this office's involvement with the problem concerning the cemetery and/or lot 11.

It is my opinion that the best way to resolve the problem of the cemetery boundaries and the lot area of lot 11 is via a Special Hearing. I understand that such a petition will be filed by the builder/developer by Friday, July 8, 1988, or the first part of next week. If a petition is not filed, of course, seek civil action in District Court.

With regard to the well as presently located on the cemetery, the builder has informed Jim Dyer that he intends to close the well and drill a new one on the site of lot 11.

The desecration of the cemetery grave markers can also be processed as a violation (civil penalty) of the development plan which has been approved by the Zoning Commission and the Director of Planning, or it can be processed as a violation of the State Code by the State's Attorney's Office. In any case, the Courts will require positive proof as to the person or persons responsible.

As you are aware, at present, the developer, Ben Blum, and the builder, Steve Blum (his son), maintains that vandalism of the grave markers occurred prior to the purchase of the farm for development purposes. According to the enclosed police reports, it appears that the Police Department has not been able to provide solid evidence as to the individual responsible for the desecration. The Enforcement Section Coordinator, Jim Thompson and his inspectors will assist in any way, however, it does appear that a criminal action of this type can be handled by the Police Department. I have directed Mr. Thompson to meet with the Police Department to re-evaluate the enforcement case.

The Special Hearing will be set for hearing as soon as possible. It is important to remember that this is not a cemetery desecration hearing. The hearing will deal with the lot size and possibly the right to use the "cemetery easement area".

I will keep you informed of all changes, dates, and developments.

CRIME REPORT

24. INVESTIGATIVE INTERVIEWS:

SUSPECT(S)

25. SUSPECT VEHICLE

46. CRIME SCENE TECHNICAL WORK

PHYSICAL EVIDENCE

STOLEN PROPERTY

48. ARE SIMILAR CRIMES/SUSPECT ACTIONS KNOWN?

49. IS ANY FORM OR TYPE OF M.O. PRESENT?

50. PROSECUTION

51. MISCELLANEOUS

POLICE DEPARTMENT - FORM SUPPLEMENT

76. SUPPLEMENT STATUS: CONT. 12 FOLLOW-UP

NARRATIVE:

56. The undersigned was contacted by the owner of the cemetery...

INVESTIGATION TO CONTINUE 7-10-88

76. SUPPLEMENT STATUS: CONT. 12 FOLLOW-UP

NARRATIVE:

56. The undersigned was contacted by the owner of the cemetery...

INVESTIGATION TO CONTINUE 7-10-88

11. SUPPLEMENT

76. SUPPLEMENT STATUS: CONT. 12 FOLLOW-UP

NARRATIVE:

56. The undersigned was contacted by the owner of the cemetery...

INVESTIGATION TO CONTINUE 7-10-88

DEED

THIS DEED, Made this 15th day of February, 1988, by and between...

Witnesseth, that in consideration of the sum of Five Dollars (\$5.00) and other good and valuable considerations...

BEING a part of all that tract of land described in a Deed from Charles S. Piggett...

DEED

THIS DEED, Made this 19th day of September, 1988, by and between...

Witnesseth, that in consideration of the sum of Five Dollars (\$5.00) and other good and valuable considerations...

BEING a part of all that tract of land described in a Deed from Charles S. Piggett...

DEED

THIS DEED, Made this 4th day of August, 1988, by and between...

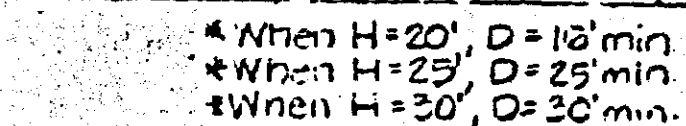
Witnesseth, that in consideration of the sum of Five Dollars (\$5.00) and other good and valuable considerations...

BEING a part of all that tract of land described in a Deed from Charles S. Piggett...

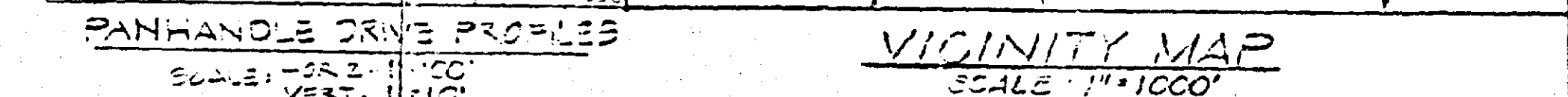
EX RESIDENCE LOG 6

EXIST BARBERRY CT

Window To Window = 40'
Window To Tract Boundary = 35'
Window To Street R/W = 25'
Window To Lot Line = 13'
Building To Tract Boundary = 30'



ENVELOPES SHOWN HEREON ARE FOR THE LOCATION OF ALL
PRINCIPLE BUILDINGS ONLY. ACCESSORY STRUCTURES, FENCES
PROJECTIONS INTO YARDS MAY BE CONSTRUCTED OUTSIDE THE
ENVELOPE, BUT MUST COMPLY WITH SECTION 400.1301 OF THE
BALTIMORE COUNTY ZONING REGULATIONS
(SUBJECT TO COVENANTS & APPLICABLE Z. DING PERMITS)



1. SITE ACREAGE: GROSS = 51.3 AC. NET = 50.2 AC.			
	SECTION 1		SECTION 2
2. PROCESS ACREAGE/	32.0 AC.	19.3 AC.	51.3 AC.
3. EXISTING ZONING	DR-1	R-5	DR-1
4. ACREAGE IN ZONES	0.0 AC. 21.5 AC.	7.4 AC. 12.9 AC.	15.4 AC.
5. DWELLING UNITS ALLOWED	12 UNITS 35 UNITS	19 UNITS 35 UNITS	41 UNITS
6. DWELLING UNITS PROPOSED	0	12	19
7. TOTAL DWELLING UNITS PROPOSED	12	19	35 UNITS
8. PARKING REQUIRED	21 SPACES	112 SPACES	133 SPACES
9. PARKING PROVIDED	32 SPACES	36 SPACES	70 SPACES

- [illegible]

SOIL TYPES & LIMITATION DATA		
3c02	GLENVILLE LOAM 3-8% SLOPES MODERATELY ERODED	
3c01	" " 8-15% " " "	
3c03	" " 15-25% " " "	
7c	GLENVILLE SILT CLAM 3-8% SLOPES	
7c	HATCOK SILT LOAM	
3c02	BRANDYWINE LOAM 3-8% SLOPES MODERATELY ERODED	
3c03	BRANDYWINE GRAVELLY LOAM 15-25% SLOPES SEVERELY ERODED	
W003	MANOR LOAM 8-15% SLOPES SEVERELY ERODED	
W002	" " 15-25% " " MODERATELY ERODED	
W01	MANOR SOILS 25-50% SLOPES	
TYPE	PLANTS: POTENTIAL OR LESS SUIT	STREETS & PARKING AREAS
3c02	SLIGHT	MODERATE: SLOPE
3c01	MODERATE: SLOPE	SEVERE: SLOPE
3c03	SEVERE: SLOPE	SEVERE: SLOPE
7c	SEVERE: HIGH WATER TABLE	SEVERE: HIGH WATER TABLE
7c	SEVERE: HIGH WATER TABLE; MOD. HAYARD	SEVERE: HIGH N. TABLE; FLOOD HAYARD
3c02	MODERATE: SLOPE	SEVERE: SLOPE
3c03	SEVERE: SLOPE	SEVERE: SLOPE
W003	MODERATE: SLOPE	SEVERE: SLOPE
W002	SEVERE: SLOPE	SEVERE: SLOPE
W01	SEVERE: SLOPE	SEVERE: SLOPE

UNDERDRAINS SHALL BE USED TO LESSEN EFFECT OF HIGH WATER TABLE.
NO CONSTRUCTION OR GRADING IS PROPOSED IN ANY HIGH SOIL AREA.
DETAILED PLAN FOR WASTE SEWAGE DISPOSAL AREAS SHALL BE DETERMINED BY
THE ENGINEER.

FINAL DEVELOPMENT
"ANTON W. WOODS"
SCALE 1/1000
JANUARY 7, 1965
BETHLEHEM, PA.
BETHLEHEM, PA.

ASCE COURSE,
 CR G
 ED IN 2-4" LAYERS
 6" BIT. CONCRETE
 BAND SN
 PICAL PAVING SECTION
 NO SCALE
 1) TO HAVE 4" HIGH WOODEN
 OCIADE OR MASONRY PRIVACY
 LL
 TRASH
 3' GATE
 TYP. MAIL BOX
 DETAIL FOR TRASH &
 NAIL-PAD ENCLOSURE
 NO SCALE

JON ALAN WURTZBURGER
E.H. Jr. 4914/099

• ENGINEERS •
W. DUVALL & ASSOCIATES INC.
120 E. SUSQUEHANNA AVE.
TOWSON, MARYLAND 21204
301-583-0571

CONTRACT PURCHASER:
BENJAMIN H. BLUM
17 WARREN ROAD
PIKESVILLE, MARYLAND 2120
1301-84-2419

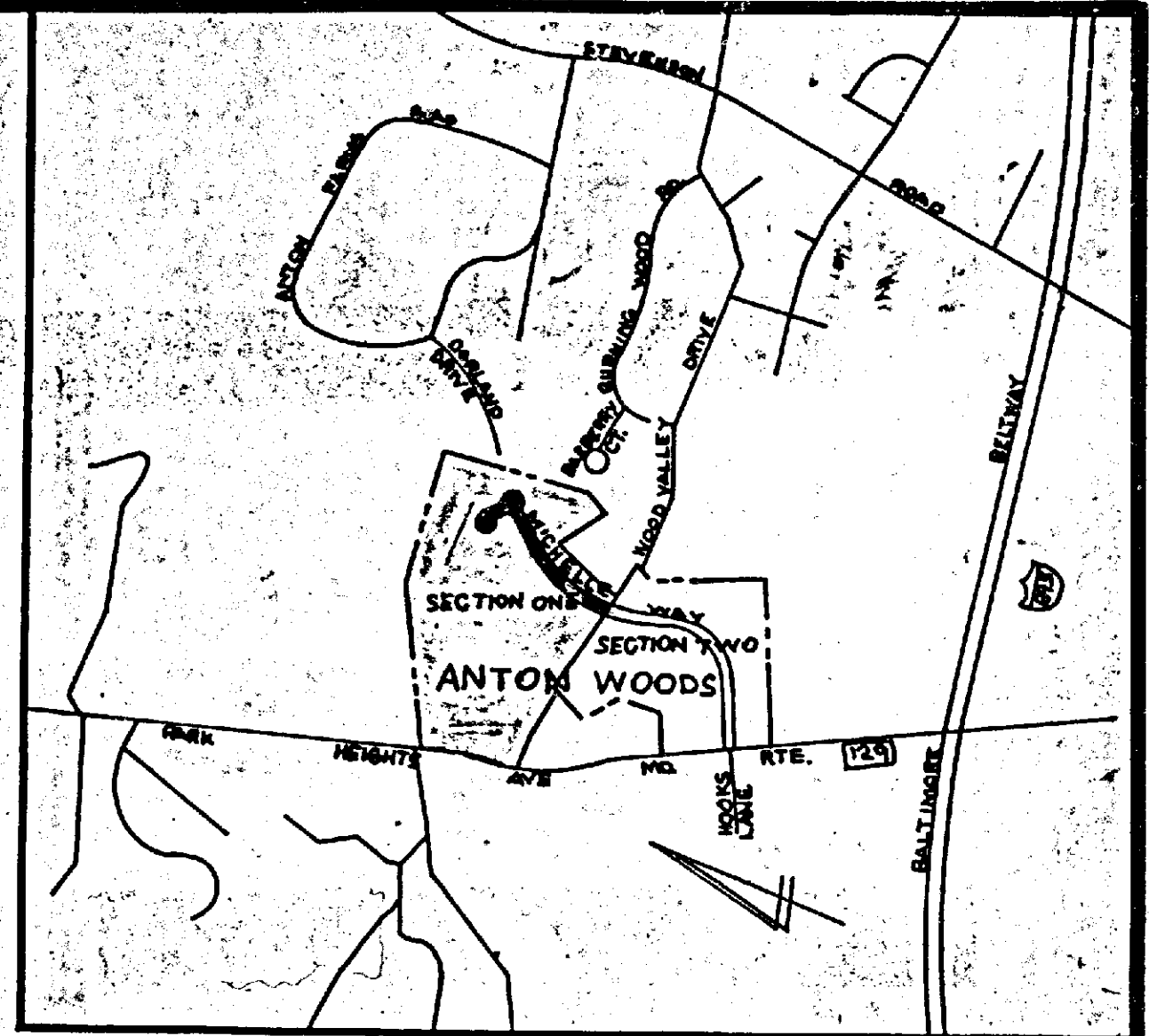
LANDSCAPING NOTE:

1 TREE PER UNIT-PLACEMENT OF TREES SHALL
CONFORM TO THE OBJECTIVES CONTAINED IN
SECTION II, LANDSCAPE ELEMENTS, 50% TO
BE MAJOR DECIDUOUS, 50% EVERGREENS.
1 MAJOR DECIDUOUS = 2 EVERGREENS OR
2 MINOR DECIDUOUS 1 TREE

Office of Planning and Zoning
 Approved by: E. D. [Signature] 2/11/85
 Director Of Planning Date

[Signature] 2/11/85
 Zoning Commissioner Date

TYPICAL WELL &
EVAE PLACEMENT
NO SCALE



LOCATION MAP
SCALE 1" = 1000'

Filed for Record
Date: APR 4 1985
Trust

E.H.K. JR. 52 FOLIO 133

COORDINATE VALUES					
Nº	NORTH	WEST	Nº	NORTH	WEST
1	36814.560	29675.719	55	36345.302	29926.539
2	36035.210	29616.013	57	36299.203	31252.501
3	35909.627	29698.557	58	36318.052	31259.142
4	36078.829	29968.722	59	36073.327	31204.333
5	35859.284	30174.636	60	35777.833	31180.215
6	35616.614	30222.261	61	35593.934	30470.637
16	35701.334	30685.265	21	36754.342	30460.235
17	35777.442	31036.026			
18	35777.934	31222.856			
19	36174.638	31250.985			
20	36297.096	31297.517			
44	35492.210	30260.762			
45	35486.624	30312.705			
46	35861.602	30218.121			
47	35878.271	30267.425			
48	36376.700	29841.652			
49	36455.942	29887.150			
50	36464.659	29920.873			
51	36579.876	30097.708			
52	36492.915	30101.441			
53	36491.136	30050.313			
54	36415.689	29938.116			

CURVE DATA					
FROM	TO	RADIUS	Δ	LENGTH	TAN. CHORD BEARING
44	46	976.68'	50°10'00"	388.96'	215.84' N06°38'00"E 371.93'
45	47	400.00'	50°10'00"	419.06'	227.08' N06°38'00"E 394.05'
48	49	50.00'	132°03'32"	115.24'	112.46' N29°51'46"W 91.38'
49	50	50.00'	40°46'07"	33.58'	18.58' N75°30'28"W 34.83'
50	51	2925.00'	04°10'05"	212.78'	106.44' N57°12'28"W 212.74'
51	52	50.00'	239°08'00"	208.68'	00' 501°08'30"W 86.98'
52	53	50.00'	60°52'28"	53.12'	29.38' S87°59'16"E 50.66'
53	54	2875.00'	02°42'11"	35.63'	67.83' S56°11'56"E 135.62'
54	55	50.00'	91°00'51"	79.42'	50.89' S09°20'26"E 71.33'
56	57	855.12'	24°13'47"	361.62'	183.55' N77°45'00"W 358.93'
57	59	900.00'	14°44'37"	231.59'	116.44' S12°02'17"E 230.96'

SECTION ONE ANTON WOODS

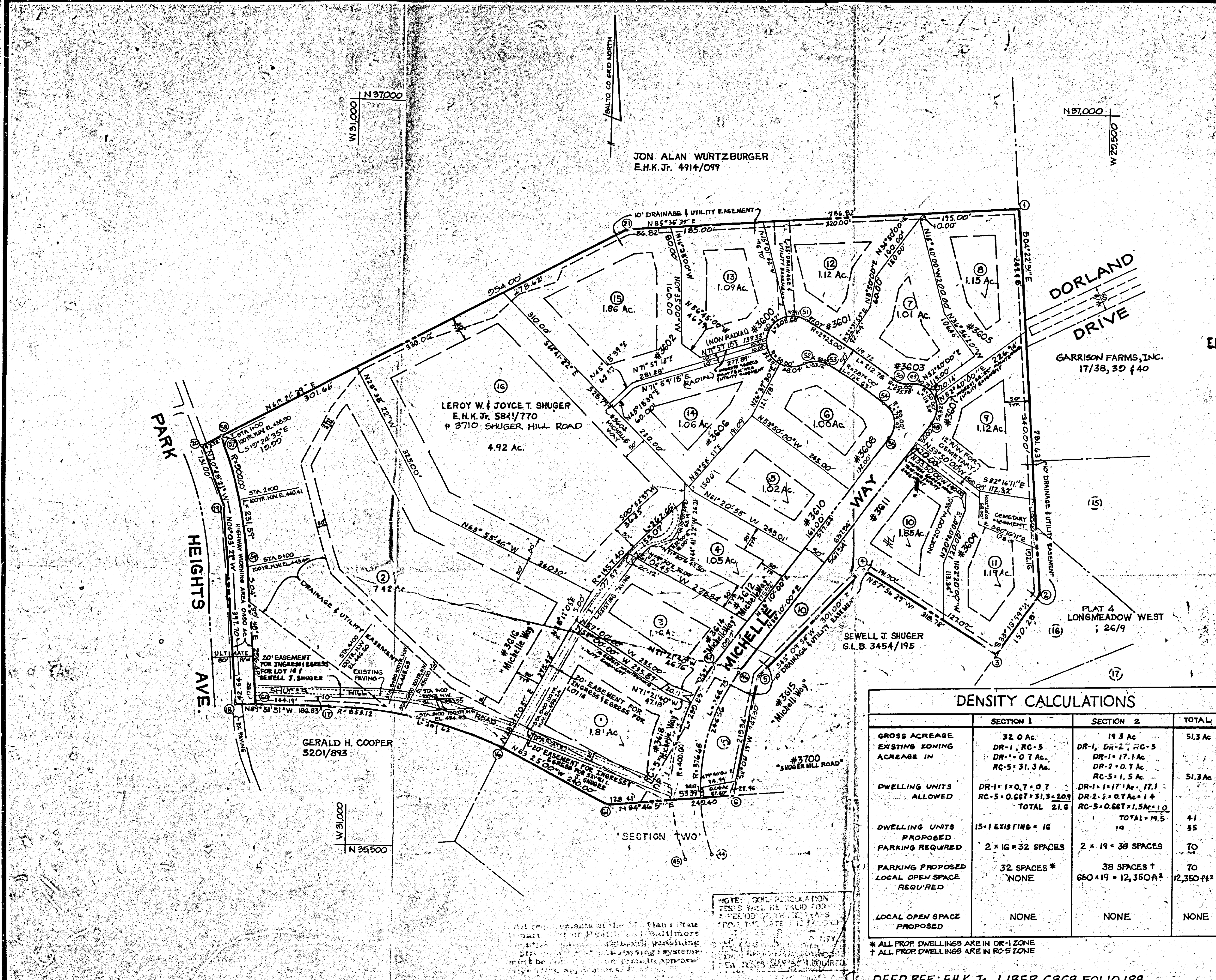
BALTIMORE COUNTY, MARYLAND
ELECTION DISTRICT 3
SCALE 1" = 100'
SEPTEMBER 12, 1984

JONES FALLS WATERSHED PLAN-APPROVED MAY 10, 1984

DENSITY CALCULATIONS			
	SECTION 1	SECTION 2	TOTAL
GROSS ACREAGE	32.0 AC.	19.3 AC.	51.3 AC.
EXISTING ZONING	DR-1, RC-5	DR-1, DR-2, RC-5	
ACREAGE IN	DR-1 = 0.7 AC. RC-5 = 31.3 AC.	DR-1 = 17.1 AC. DR-2 = 0.7 AC. RC-5 = 1.5 AC.	51.3 AC.
DWELLING UNITS ALLOWED	DR-1 = 1.0 x 0.7 = 0.7 RC-5 = 0.667 x 31.3 = 20.9 TOTAL 21.6	DR-1 = 1.17 x 17.1 = 20.0 DR-2 = 0.7 x 1 = 0.7 RC-5 = 0.667 x 1.5 = 1.0 TOTAL 21.7	41
DWELLING UNITS PROPOSED	15 EXISTING = 16	19	35
PARKING REQUIRED	2 x 16 = 32 SPACES	2 x 19 = 38 SPACES	70
PARKING PROPOSED	32 SPACES * NONE	38 SPACES + 650 x 19 = 12,350 FT ²	70
LOCAL OPEN SPACE REQUIRED			12,350 FT ²
LOCAL OPEN SPACE PROPOSED	NONE	NONE	NONE

* ALL PROP. DWELLINGS ARE IN DR-1 ZONE
† ALL PROP. DWELLINGS ARE IN RC-5 ZONE

DEED REF: E.H.K. JR. LIBER 6869 FOLIO 189



APPROVED: [Signature] 2/1/85
DIRECTOR OF PUBLIC WORKS
DATE
APPROVED: [Signature]
DIRECTOR OF PLANNING AND ZONING
DATE
APPROVED: [Signature]
DEPUTY STATE & COUNTY HEALTH OFFICER
DATE

SURVEYOR'S CERTIFICATE
THE UNDERSIGNED, A REGISTERED LAND SURVEYOR OF THE STATE OF MARYLAND, DOES HEREBY CERTIFY THAT HE IS THE SURVEYOR WHO PREPARED THIS PLAT AND THAT THE LAND SHOWN ON THIS PLAT HAS BEEN LAID OUT AND THE PLAT THEREOF HAS BEEN PREPARED IN COMPLIANCE WITH SUBSECTION C OF SECTION 3-108 OF THE REAL PROPERTY ARTICLE OF ANNOTATED CODE OF MARYLAND, PARTICULARLY INsofar AS SAME CONCERNS THE MAKING OF THE PLAT AND SETTING OF THE MARKERS.
REG. NO. 107 DATE 11-22-115

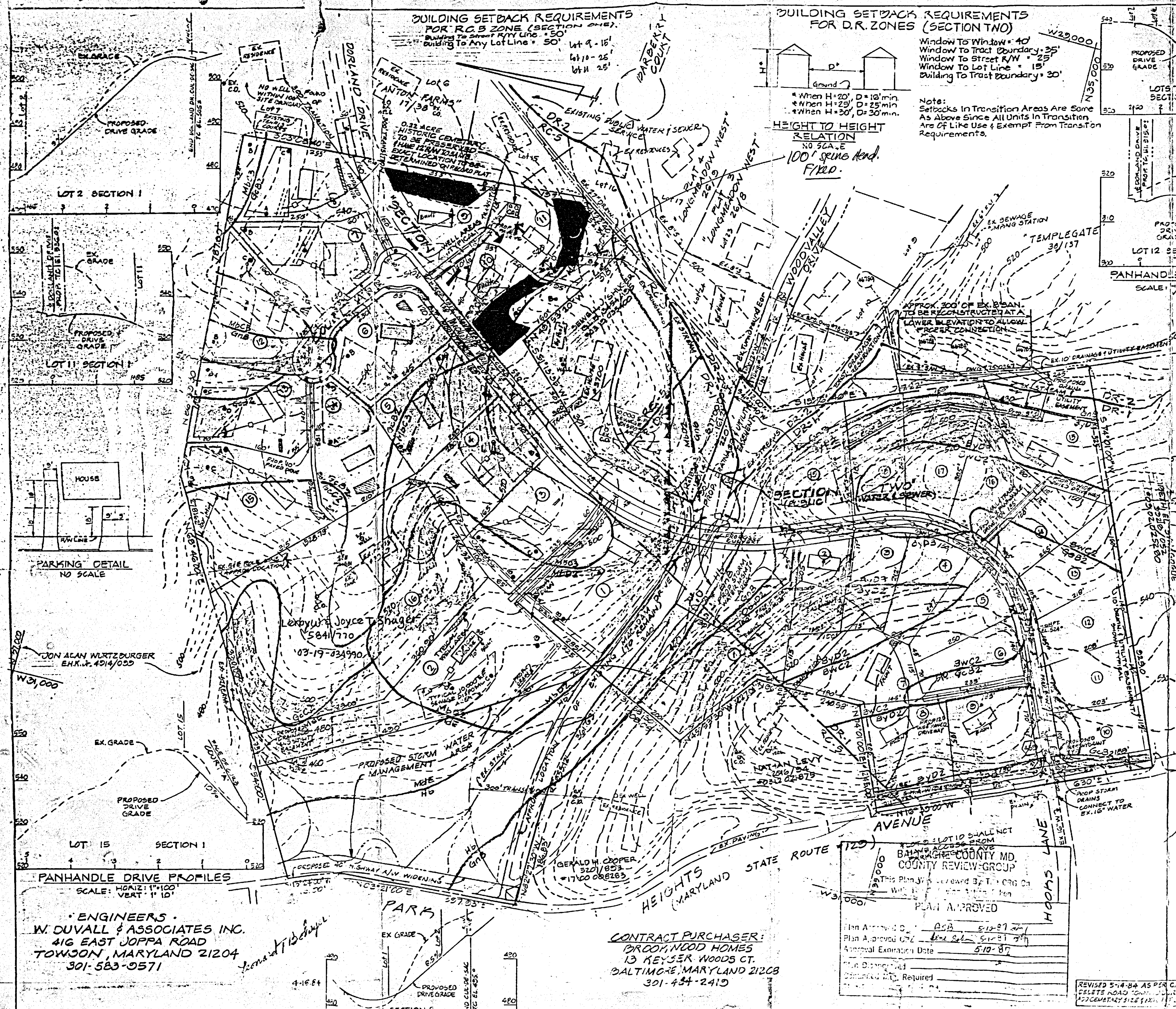
OWNER'S CERTIFICATE
THE UNDERSIGNED, OWNER OF THE LAND SHOWN ON THIS PLAT, HEREBY CERTIFIES THAT, TO THE BEST OF HIS KNOWLEDGE, THE REQUIREMENTS OF SUBSECTION C OF SECTION 3-108 OF THE REAL PROPERTY ARTICLE OF THE ANNOTATED CODE OF MARYLAND, HAS BEEN COMPLIED WITH, INsofar AS SAME CONCERNS THE MAKING OF THE PLAT AND THE SETTING OF THE MARKERS.
[Signature] 2/1/85
BENJAMIN H. BLUM DATE 1-7-85

NOTE:
THE STREETS AND/OR ROADS SHOWN HEREON AND THE MENTION THEREOF IN DEEDS ARE FOR THE PURPOSE OF DESCRIPTION ONLY AND THE SAME ARE NOT INTENDED TO BE DEDICATED TO PUBLIC USE, THE FEE SIMPLE TITLE TO THE BEDS THEREOF IS EXPRESSLY RESERVED IN THE GRANTORS OF THE DEED TO WHICH THIS PLAT IS ATTACHED, THEIR HEIRS AND ASSIGNS.
NOTE:
HIGHWAY AND HIGHWAY WIDENING, SLOPE, DRAINAGE, AND UTILITY EASEMENTS SHOWN HEREON ARE RESERVED UNTO THE DEVELOPER, AND ARE HEREBY OFFERED FOR DEDICATION TO BALTIMORE COUNTY, MARYLAND. THE DEVELOPER, HIS PERSONAL REPRESENTATIVES, AND ASSIGNS SHALL CONVEY SAID AREAS BY DEED TO BALTIMORE COUNTY, MARYLAND AT NO COST.

NOTE:
1) FORMAL IRREVOCABLE OFFERS OF DEDICATION HAVE BEEN MADE.
2) RECORDING OF THIS PLAT DOES NOT CONSTITUTE OR IMPLY ACCEPTANCE BY THE COUNTY OF ANY STREET, EASEMENT, PARK, OPEN SPACE, OR OTHER PUBLIC AREA SHOWN ON THIS PLAT.
3) THIS PLAT MAY EXPIRE IN ACCORDANCE WITH THE PROVISIONS OF BALTIMORE COUNTY BILL 56-82 (SECTION 22-68).
4) RECORDING OF THIS PLAT DOES NOT GUARANTEE INSTALLATION OF STREETS OR UTILITIES BY BALTIMORE COUNTY.
5) THE INFORMATION SHOWN ON THIS PLAT MAY BE SUPERSEDED BY A SUBSEQUENT OR AMENDED PLAT.
6) ADDITIONAL INFORMATION CONCERNING THIS PLAT MAY BE OBTAINED FROM THE OFFICE OF PLANNING AND ZONING AND THE DEPARTMENT OF PUBLIC WORKS.

P.W.A. COMPLETED: [Signature]
FINAL PLAT CHECKED: [Signature]
PLANNING: [Signature]
ENGINEERING: [Signature]
STREET NAMES: [Signature]
HOUSE NOS.: [Signature]
NOTE:
COORDINATES AND BEARINGS SHOWN ON THIS PLAT ARE REFERRED TO THE SYSTEM OF COORDINATES ESTABLISHED IN THE BALTIMORE COUNTY METROPOLITAN DISTRICT AND ARE BASED ON THE FOLLOWING TRAVERSE STATIONS:
13156
N 36108.84
W 31236.63
13157
N 35611.44
W 31123.22

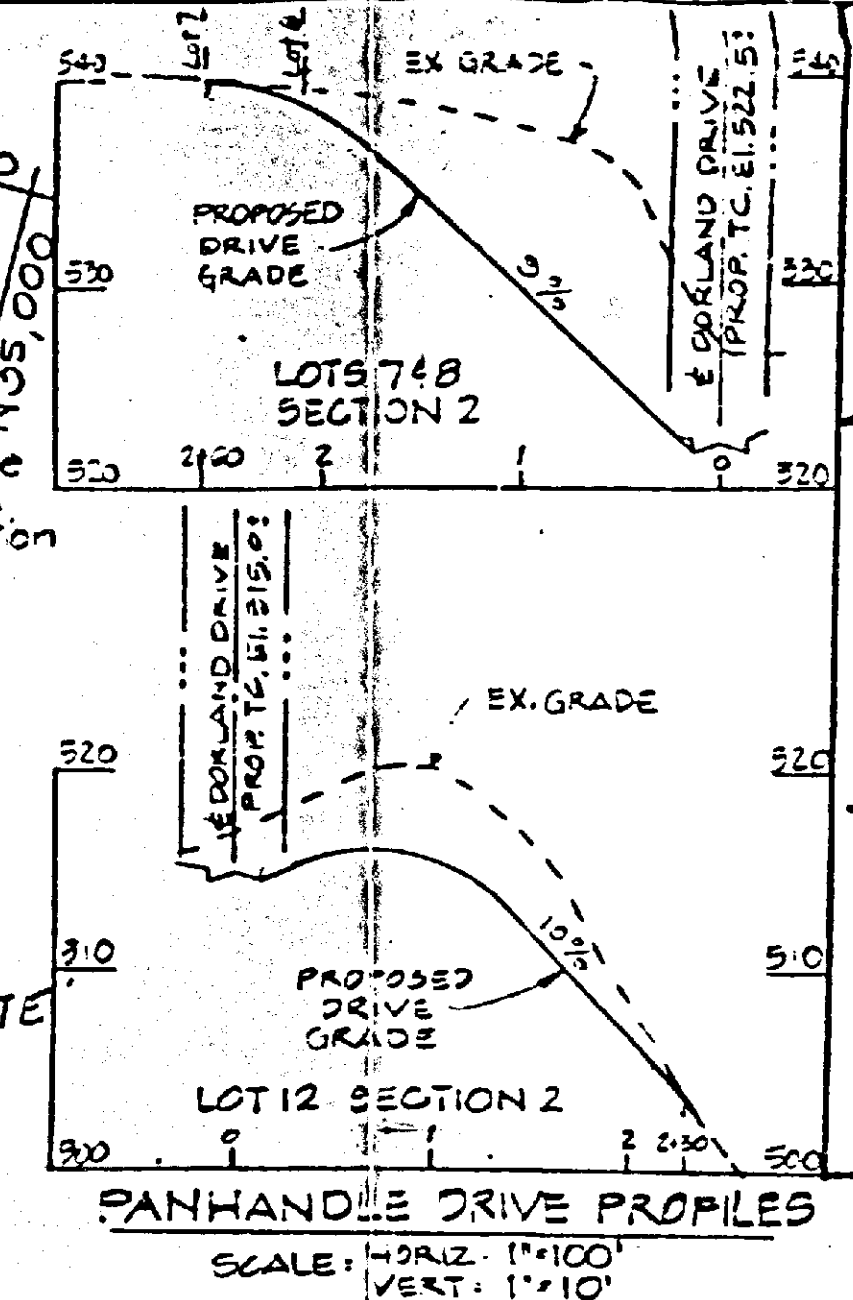
W. DUVALL & ASSOCIATES INC.
20 E. SUSQUEHANNA AVE.
TOWSON, MD 21204
583-9571
COMPUTED BY: P.5
DRAWN BY: K.D. & C.E.G.
CHECKED BY: P.5
PROJECT NUMBER: [Blank]



BUILDING SETBACK REQUIREMENTS FOR RC-5 ZONE (SECTION ONE)
Building To Street R/W Line = 50'
Building To Any Lot Line = 50'

BUILDING SETBACK REQUIREMENTS FOR D.R. ZONES (SECTION TWO)
Window To Window = 40'
Window To Tract Boundary = 35'
Window To Street R/W = 25'
Window To Lot Line = 15'
Building To Tract Boundary = 30'

HEIGHT TO HEIGHT RELATION
NO SCALE
100' SEING HAND
FIXED



- NOTES**
1. SITE ACRES: GROSS = 51.2 AC. NET = 50.2 AC.
 2. EXISTING ZONING: DR-1, 18.6 AC, DR-2, 0.7 AC, RC-5, 31.9 AC.
 2. TOTAL NO. UNITS ALLOWED: DR-1 = 1 x 18.6 AC = 18.6
DR-2 = 2 x 0.7 AC = 1.4
TOTAL UNITS IN DR ZONES = 20.0
TOTAL UNITS IN RC-5 ZONE = 0.667 x 31.9 AC = 21.3
TOTAL UNITS ALLOWED FOR THIS SITE = 41
 4. TOTAL UNITS PROPOSED: IN DR ZONES = 19
IN RC-5 ZONE = 15 + 1 EXISTING
TOTAL UNITS PROPOSED THIS SITE = 35
 5. OPEN SPACE REQUIRED: NONE IN RC-5 ZONE; IN DR ZONES 650 x 10 = 123,500 SF.
 6. OPEN SPACE PROPOSED: NONE
 7. PARKING REQUIRED: 2 SPACES PER UNIT x 35 = 70 SPACES
 8. PARKING PROVIDED: 70 SPACES
 9. ALL UNITS ARE FOR SALE
 10. OPEN SPACE NOT DESIRED BY DEPT. RECREATION & PARKS.
 11. REFUSE TO BE COLLECTED BY BALTIMORE COUNTY.
 12. STREET LIGHTS TO BE 100 WATT MERCURY VAPOR UNITS ON 14' POLES SHOWN THUSLY
 13. ALL DRIVEWAYS & PARKING AREAS TO BE PAVED WITH TAR & CHIP
 14. ENTIRE SITE IS WOODED & TO REMAIN EVERYWHERE POSSIBLE.
 15. 25% AND STEEPER SLOPES SHADDED THUS
 16. TOPOGRAPHY TAKEN FROM 200 SCALE BALTO. CO. PHOTOGRAMMETRIC MAP
 17. BOUNDARY INFORMATION COMPILED FROM DEEDS & PLATS OF RECORD.
 18. LOT LANDSCAPING TO BE DONE BY INDIVIDUAL LOT OWNER.
 19. DEED REFERENCES: 2016/092; 3037/070; 2989/153; 5841/770; AND LOTS 1, 2, 3 & 4 OF 'VALLEY ESTATES' PLAT 17/31.
 20. ACCOUNT NOS: 03 16 301225; 03 08 032850; 03 03 051730; 03 19 034990; 03 19 034991; 03 22 000423; 426 427 & 428.
 21. COUNCILMANIC DISTRICT 2
 22. CENSUS TRACT 4038.03
 23. WATERSHED = 24
 24. SUBWERSHED = 59 & 65
 25. ADT'S SHOWN THUS: 0
 26. THERE ARE NO CRITICAL AREAS, ARCHEOLOGICAL SITES, ENDANGERED SPECIES HABITATS, HAZARDOUS MATERIAL SITES WITHIN THE SITE BOUNDARIES.
 27. PROPOSED GRADES - NO CHANGE IS PROPOSED TO EX. GRADES EXCEPT THAT REQUIRED TO INSTALL PUBLIC ROADS & STORM WATER MANAGEMENT.
 28. SANITARY SEWER IS IN JONES FALLS DRAINAGE AREA

SOIL TYPES & LIMITATION DATA

GcD2	- GLENELG LOAM 3-8% SLOPES MODERATELY ERODED
GcC2	- " " 8-15% " "
GcD2	- " " 15-25% " "
GcB	- GLENVILLE SILT LOAM 3-8% SLOPES
Hb	- HATBORO SILT LOAM
BwC2	- BRANDYWINE LOAM 3-8% SLOPES MODERATELY ERODED
BvD3	- BRANDYWINE GRAVELLY LOAM 15-25% SLOPES SEVERELY ERODED
MbC3	- MANOR LOAM 8-15% SLOPES SEVERELY ERODED
MbD2	- " " 15-25% " MODERATELY ERODED
MdE	- MANOR SOILS 25-50% SLOPES

TYPE	BLOGS 3 STORIES OR LESS WITH CSMT	STREETS & PARKING AREAS
GcD2	SLIGHT	MODERATE: SLOPE
GcC2	MODERATE: SLOPE	SEVERE: SLOPE
GcD2	SEVERE: SLOPE	SEVERE: SLOPE
GvD	SEVERE: HIGH WATER TABLE	SEVERE: HIGH WATER TABLE
Hb	SEVERE: HIGH WATER TABLE; FLOOD HAZARD	SEVERE: HIGH WATER TABLE; FLOOD HAZARD
BwC2	MODERATE: SLOPE	SEVERE: SLOPE
BvD3	SEVERE: SLOPE	SEVERE: SLOPE
MbC3	MODERATE: SLOPE	SEVERE: SLOPE
MbD2	SEVERE: SLOPE	SEVERE: SLOPE
MdE	SEVERE: SLOPE	SEVERE: SLOPE

① UNDERDRAIN SHALL BE USED TO LESSEN EFFECT OF HIGH WATER TABLE.
② NO CONSTRUCTION OR GRADING IS PROPOSED IN ANY Hb SOIL AREA.
NOTE: LIMITATIONS FOR PRIVATE SEWAGE DISPOSAL AREAS SHALL BE DETERMINED BY PERCOLATION TEST RESULTS (SECTION ONE)

PLAN OF "ANTON WOODS"
SCALE: 1"=100'
APRIL 18, 1984
3-1 ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

ENGINEERS
W. DUVALL & ASSOCIATES INC.
416 EAST JOPPA ROAD
TOWSON, MARYLAND 21204
301-583-9571

CONTRACT PURCHASER:
BROOKWOOD HOMES
13 KEYSER WOODS CT.
BALTIMORE, MARYLAND 21208
301-454-2419

PLAN APPROVED

Plan Approved by: *ASH* 5-10-84
Plan Approved by: *ONE* 5-10-84
Approval Expiration Date: 5-10-87
Plan Drawn by: *ONE*
Checked by: *ONE*
Required by: *ONE*

REVIS 5-14-84 AS PER CRG MEETING
CELESTE ROAD "ONE" JULLAND DRIVE
ADJACENT TO SITE "ONE" 1/2 AC. ACCESS

the home was an attractive addition to the neighborhood and in his opinion, as a neighbor of the subject property, the granting of the variance would not result in any detriment to the health, safety and general welfare of the community.

Further concern regarding this property surfaced in May 1988 when questions arose during Petitioners' completion of the proposed dwelling regarding the possibility of desecration of the cemetery. Mr. Awalt's testimony in protest mainly concerned this issue. It was Mr. Awalt's feeling that no action should be taken by the Office of Zoning until a final investigation was completed by the State's Attorneys Office regarding any criminal violation. It was explained that the Office of Zoning had no authority or jurisdiction over any alleged violation of a State statute and the issues were separate and distinct.

Testimony indicated that Dr. Ethel Eaton, an archeologist with the Maryland Historical Trust, visited the subject property on July 8, 1988 with Mr. McGrain. The findings and recommendations of Dr. Eaton are set forth in a letter dated July 14, 1988 to Frank C. Robey, Jr., County Administrative Officer, from J. Rodney Little, Director and State Historic Preservation Officer, which has been incorporated into the file. Dr. Eaton found that the actual graves were not disturbed, but that the grave-stones had suffered considerable damage and recommended reconstruction. Thereafter, Petitioners contacted Jack Tyre of Cockeysville Monument Company, who visited the site and concluded that the gravestones could not be repaired. After discussions among Lisa Keir, John McGrain, Petitioners and Petitioners' Counsel, an agreement was reached between Petitioners and Valleys Planning Council as set forth in the letter dated September 14, 1988 from Petitioners' attorney to Ms. Keir. Said letter is identified

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herein as Petitioner's Exhibit 4. The agreement reached was that the following would be done within ninety (90) days of September 14, 1988:

- 1) Loose debris scattered around the cleared portion of the cemetery lot shall be removed.
- 2) Full stones, or stone fragments with inscriptions shall be arranged in a symmetrical fashion and placed flat in the ground so that they are affixed to the property.
- 3) The cleared area within the cemetery lot shall be fenced with an aluminum fence of a wrought iron appearance with a height of at least 4 feet.

Mr. McGrain testified that in his opinion the agreement set forth in Petitioner's Exhibit 4 is appropriate under this particular factual situation. Steven Blum testified that he was more than willing to restore the cemetery in accordance with the agreement.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

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It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested in the Petition for Special Hearing and Zoning Variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 4th day of October, 1988 that the Petition for Special Hearing to approve Lot 11 of Anton Woods as being in compliance with the one acre minimum lot size requirement for the R.C. 5 zone as a result of the minor lot line adjustment described herein, and the Petition for Zoning Variance to permit a setback of 22 feet in lieu of the required 50 feet from the southern boundary, in accordance with Petitioner's Exhibit 5, be and are hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

- 1) The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2) Petitioners shall comply with the agreement dated September 14, 1988 and identified herein as Petitioner's Exhibit 4 for the restoration of the adjoining cemetery.

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- 3) A revised site plan which sets forth the new lot lines following addition of the .0191 acres, the dwelling and cemetery shall be prepared and presented for approval by the Zoning Office.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

ANN:bjs

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PETITION FOR SPECIAL HEARING AND VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-99-SPHA

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve -----

(SEE ATTACHMENT A)

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:	Legal Owner(s):
Meatwood Homes, Inc. (Type or Print Name)	Benjamin H. Blum (Type or Print Name)
Signature	Signature
17 Warren Road, Suite 2A Address	(Type or Print Name)
Baltimore, Maryland 21208 City and State	Signature
Attorney for Petitioner:	17 Warren Rd., Suite 2A 484-2819 Address Phone No.
Steven I. Batoff (Type or Print Name)	Baltimore, Maryland 21208 City and State
Signature	Name, address and phone number of legal owner, contract purchaser or representative to be contacted
16 South Calvert Street, Suite 200 Address	Steven I. Batoff Name
Baltimore, Maryland 21202 City and State	16 South Calvert Street, Suite 200 539-6444 Address Phone No.
Attorney's Telephone No. 539-6444	Baltimore, Maryland 21202

ORDERED By The Zoning Commissioner of Baltimore County, this 3rd day of August, 1988, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 16th day of Sept, 1988, at 9 o'clock A.M.

J. Robert Haines
Zoning Commissioner of Baltimore County.

E.C.O.-No. 1

(over)

Mr. Benjamin H. Blum is the owner of Lot 11 also known as 3609 Michelle Way in Baltimore County, Maryland. The development known as Anton Woods as shown on the Plat entitled "Section One, Anton Woods", dated April 4, 1985, and recorded among the Land Records of Baltimore County, Maryland, in Plat Book EHKRr. No. 52, Folio 133. Mr. Steven M. Blum has constructed a house on Lot 11 under the assumption that the Lot regulations, Lot 11, in full compliance with zoning regulations, Rural-Residential Zone, Section 1A04.3(B)(1) of the zoning regulations stipulates that "(a) lot having an area of less than 1 acre may not be created in a R.C. 5 zone." Based on representations by the engineer-surveyors for Anton Woods, Mr. Steven Blum believed he was building on 1.19 acres of land and, thus, in full compliance with the above-referenced zoning regulation.

Mr. Steven Blum discovered during conversations with a title insurance company that Lot 11 would not be 1.19 acres in size if a nearby cemetery was not included as part of the Lot. There is no metes and bounds description of the cemetery. The exclusion of the cemetery from Lot 11 would result, according to the engineer-surveyors for Anton Woods, in a lot size of 0.9851 acres. The deeds reflecting the chain of title of the cemetery are not clear, but suggest that the cemetery was never conveyed to anyone. However, from a reading of the various deeds, one could argue that the cemetery is a part of Lot 11 and that the cemetery, therefore, is only an easement. In that case, Lot 11 would include the cemetery and would be 1.19 acres in size. Baltimore County approved the development plan for Anton Woods which incorporated the cemetery as part of the acreage of Lot 11, making Lot 11 1.19 acres. The tax records show Lot 11 as 1.19 acres including the cemetery. The record plat also shows Lot 11 as 1.19 acres including the cemetery. According to the engineer-surveyors for Anton Woods, in preparing the development plan Baltimore County indicated that its only concern with regard to Lot 11 was that the cemetery be protected by way of an easement and that the cemetery itself would be owned ultimately by the owner of Lot 11. Apparently, there was no concern with the cemetery being part of Lot 11.

Therefore, Mr. Benjamin H. Blum and Mr. Steven M. Blum respectfully request that the Zoning Commissioner find that the cemetery is part of Lot 11 and therefore, Lot 11, being 1.19 acres, is in compliance with the above-referenced zoning regulations.

Alternatively, if the Zoning Commissioner does not find that the cemetery is part of Lot 11, then Mr. Benjamin Blum and Mr. Steven Blum respectfully request that the Zoning Commissioner consider the 0.9851 acres of Lot 11 as being substantially in compliance with the 1 acre lot requirement. Even if the cemetery is not part of the Lot, it gives the appearance that it is part of the Lot since it adjoins it and

aesthetically is part of the Lot. The 0.9851 acres is extremely close in size to the 1 acre requirement and therefore should be considered 1 acre. Strict compliance with the 1 acre requirement would result in unreasonable hardship to all parties concerned including the prospective buyer of the dwelling on Lot 11. No substantial public health, safety or general welfare violations would result in considering Lot 11 as being in compliance with the 1 acre requirement. A family dwelling has already been erected on the Lot by Mr. Steven Blum upon representations from the engineer-surveyors that the Lot was 1.19 acres. A prospective buyer is interested in purchasing Lot 11 and is aware of the discrepancy. The buyer and Mr. Steven Blum are ready for settlement on the dwelling on Lot 11.

In addition, if the Zoning Commissioner does not find that the cemetery is part of Lot 11, then Mr. Benjamin Blum and Mr. Steven Blum respectfully request a variance as to the set back requirements. A variance is requested to allow the applicable side set back be twenty-two (22) feet in lieu of the required fifty (50) feet. No substantial public health, safety or general welfare violation will result in granting this variance from the fifty (50) foot set back requirement. Since a family dwelling has already been erected on the Lot, unreasonable hardship would result in the failure to grant a variance.

Attached hereto and made a part hereof is a description of 3609 Michelle Way - Lot 11 as prepared by the engineer-surveyor, W. Duvall & Associates, Inc. and a First Amended Final Development Plan for "Anton Woods".

ATTACHMENT A

the Final Development Plan for Anton Woods as approved January, 1985, as correct in including the cemetery easement as part of Lot 11. As an alternative, (1) to approve a First Amended Final Development Plan dated July 6, 1988 which excludes the cemetery site from Lot 11, (2) to consider the gross area of Lot 11 of 0.9851 acres exclusive of the cemetery site as being in compliance with the one acre lot requirement, and (3) to approve a variance to Zoning Regulation 1.804.3(B)(3) to permit a set back of twenty-two (22) feet instead of fifty (50) feet from the southern boundary of said cemetery.

